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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
TO ELABORATE A CONVENTION TO COMBAT
DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA (INCD)
Second Session
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Agenda item 3

ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

Compilation of Government Views, Statements and Drafting Proposals

Note by the Secretariat

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INTRODUCTION

1. At its first substantive session in Nairobi, the INCD requested the Secretariat to compile in a background negotiating document written submissions from governments, including detailed drafting proposals, on the contents of an international convention to combat desertification in countries experiencing serious drought and/or desertification, particularly in Africa (hereafter The Convention). The Committee also agreed that the Secretariat should prepare this document in a way that would allow the two working groups to begin their work at the beginning of the session in accordance with the mandates in document A/AC.241/L.10/Rev.1.

2. The present paper meets the INCD request. It compiles proposals received in writing, taking account also of statements in Nairobi, particularly of governments which did not make written submissions. In accordance with the wishes of the Committee, the paper follows the approach and broad outlines of document A/AC.241/7. The present paper adopts, however, a somewhat different format than that document to accommodate efficiently both written submissions and working group mandates.

3. In order to facilitate discussions in the INCD and to avoid repetitious "chapeaux", the present paper uses a uniform structure throughout to classify views, comments and proposals. These categories, which appear only when relevant, do the following:

(a) *Converging views* compiles elements which received broad, but not necessarily universal, support among INCD members from various regions;

(b) *Diverging views* lists elements mentioned repeatedly by different INCD members albeit from different perspectives;

(c) *Drafting proposals* is a compilation of detailed textual submissions;

(d) *Other views* highlights comments put forward by one or a few delegations; and

(e) *Secretariat observations* includes technical comments prepared by the Secretariat with the assistance of the International Panel of Experts on Desertification at its third meeting 2-4 August, and with the help of United Nations Agencies concerned with drought and desertification issues.

4. The Secretariat received written comments from 30 governments and organizations in all regions of the world, some of which contained isolated drafting proposals. They were consolidated and synthesized with 69 written statements from the Nairobi meeting. The Organization of African Unity (OAU) submitted a complete draft text of The Convention, which was complemented by draft texts from three African countries (Burkina Faso, Senegal and Tunisia) and partial draft texts from Egypt and Mali. All together, the comments, statements and drafting proposals totalled some 700 pages.

5. These contributions often overlapped in substance. Under the circumstances, in order to avoid an overly long and indigestible document, the Secretariat adopted the following approach to compilation.

(a) It synthesized and consolidated government comments and statements in the sections on converging views, diverging views and other views. No attribution to individual governments appears in these sections.

(b) Except in the preamble, the drafting proposals sections break into two parts. The first contains relevant paragraphs of the OAU text; the second contains other drafting proposals from governments and organizations.

(c) In keeping with their complementary nature, the drafting proposals sections retain only the parts of the other African texts which present new elements beyond the OAU submission.

(d) To ensure readability, all drafting proposals appear in a common format, not in their original format, with some light editing of a non-substantive nature.

(e) Copies of all complete texts submitted will be available at the second substantive session in their original languages.

6. It follows that Governments will not always find a literal transcription of their comments and statements. The Secretariat took special care, however, to ensure that the paper reflects all views expressed and that it accurately renders drafting proposals in the sections reserved for them.

7. The Committee agreed that the two working groups should begin their consideration of the documentation already prepared for them at the beginning of the second session in order to permit prompt and efficient conduct of negotiations. It will have to decide at the beginning of the session how each working group takes up the elements of the Secretariat background negotiating document assigned to it. The mandates of the two working groups suggest a division of work along the following lines:

(a) *Working Group* I would take up the preamble, principles, objectives, and commitments, including financial arrangements and capacity building.

(b) Working Group II would take up scientific/technical aspects of commitments and the institutional, administrative and procedural arrangements in Section III, including the elaboration of any instruments related to The Convention.

SECTION ONE: INTRODUCTORY ELEMENTS

I. Preamble

8. Converging views

The themes in Document A/AC.241/7 (paragraphs 8 and 9) are a good starting point for further drafting although some of them, as indicated below, are controversial. There is general agreement that the preamble should recognize:

(a) The political context and justification for the obligations in The Convention, including the priority which it should give to Africa;

(b) The history and background of the INCD negotiations including earlier benchmark texts on desertification, inter alia General Assembly Resolutions 47/188 and other United Nations resolutions, those related to the UN Conference on Desertification (UNCOD) and outcomes of the United Nations Conference on Environment and Development (UNCED);

(c) The significance of Agenda 21 as a basis for The Convention;

(d) The linkages of The Convention to other environmental agreements, particularly those on Climate Change and Biodiversity;

(e) The causal factors and processes of desertification and their effects on nature and human beings;

(f) The adverse effects of land degradation in dryland areas, which affects a significant portion of the earth's surface and population, and the subsequent need for the proper management, utilization and conservation of resources and wildlife;

(g) The basic strategy of an integrated, "bottom-up approach" to combatting desertification and mitigating drought, based on analysis of past experience, which:

i. Focuses on the role of affected local populations;

ii. Gives priority to actions at the local community level;

ii. Pays special attention to the socio-economic factors contributing to desertification processes;

iv. Recognizes that strategies to understand and combat desertification are more environmentally effective, more economically viable and more socially acceptable if they emphasize local participation in design and implementation; and

v. Encompasses full local participation in decisions as well as the inclusion of all elements of society in the economic and political benefits of both development and environmental improvement;

(h) The importance of building on past experience, particularly in implementing the Plan of Action for Combatting Desertification (PACD), when designing the basic strategy of The Convention;

(i) The critical role of women in the economic and social lives of developed and developing countries and the emphasis to be placed on their role in combatting desertification;

(j) The role of non-governmental organizations (NGOs) and youth and children;

(k) The concerns of the entire international community, including states and organizations, about drought and desertification issues;

(l) The subsequent need for improved sub-regional, regional and international cooperation and coordination to deal with these concerns in a timely fashion, to reduce bureaucratic duplication and to better focus resources where they are needed; and

(m) The significance of The Convention as an instrument for mobilizing resources, whether human, political, scientific, technical or financial.

Diverging views

9. *Issue: the universal character or global nature of desertification*

(a) The preamble should recognize the universal significance of the consequences of desertification. It is a global issue because it is a geographically widespread phenomenon and because its effects are ultimately felt worldwide in the biosphere and atmosphere. In addition, combatting desertification, at the same time that it contributes to sustainable development in dryland areas, will help solve other global problems such as global warming and reduction of, or loss of, biodiversity.

(b) Desertification is not a "global issue" in the same sense as climate change and biodiversity are. It does not affect all countries nor influence global systems in the same way that they do. Neither, in the strictest sense, is it a "common concern" since the perspectives of affected and unaffected countries are different. Agenda 21 rightly recognizes, however, that it is a problem of "global significance" as it is found in all regions. It could also be referred to in the preamble as an "international problem."

Drafting proposals

10. Nature of the desertification process

Realizing that desertification is a process that reduces the productivity and value of the natural resources of the planet in the specific context of the conditions prevailing in arid, semi-arid and dry sub-humid lands, and within the setting of complex interactions among physical, chemical, biological, socio-economic and political factors, including climatic variations and human activities, the impact of which is felt at national, sub-regional, regional and global levels; (OAU)

11. Intrinsic value of drylands

Bearing in mind the intrinsic value of the biological diversity of arid and semi-arid areas affected by desertification, as well as the diversity of its constituent elements - environmental, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic; (Tunisia)

12. Poverty and development

(a) *Realizing further that aggravating and expanding poverty as well as growing environmental degradation, including desertification, would ultimately endanger the long-term well-being of mankind, its social and political stability, the ecological balance and the existing bio-diversity, as well as climates and the conditions of human health, creating environmental refugees in search of better opportunities elsewhere, and putting breaking pressures on the fiscal resources of*

the host countries and regions as well as on their development/ growth potential; (OAU)

(b) *Convinced also as a result, that poverty, or the lack of a systematic development of means to remove the constraints to, and undertake the needed action for, sustainable development, has become both the primary cause and major consequence of the degradation of productive natural resources as well as of the environment in the drylands, and that poverty is a major factor in accelerating desertification, which in turn acts as a stifling force on the sustainable development process in the arid, semi-arid, and dry sub-humid lands of the developing world;* (OAU)

(c) *Reaffirming that economic and social development and the eradication of poverty are priority concerns of countries experiencing drought and desertification;* (Senegal, Mali, Tunisia)

(d) *Reaffirming that human beings have a right to a healthy and productive life which is in harmony with nature, that they are the focus of concern for sustainable development and that they are therefore entitled to enjoy its benefits;* (Tunisia)

13. Socio-economic aspects

(a) *Noting further that concerns for the phenomenon of drought also stem from its impact on the level and vigour of socio-economic activities relating to employment, incomes, investment and growth trends as well as patterns in the communities, countries, and regions affected by this phenomenon and that drought preparedness and management, therefore, provides security and stability to the development process and its expected positive results;* (OAU)

(b) *Conscious of the fact that, in numerous developing countries affected by desertification, natural resources have heretofore constituted the essential basis to support the development process and that, because of population growth, inter-alia, the pressures on natural resources will continue to exacerbate, thus increasing the complexity of the problem;* (OAU)

(c) *Considering that desertification and drought are causes of economic instability and social and political unrest, because they weaken the economy and stability of societies living outside the affected regions and impede the start of sustainable development in the areas and countries affected;* (Burkina Faso, Mali)

(d) *Recognizing that many communities in areas experiencing desertification are closely and traditionally dependent on the biological resources on which their traditions are based and that it is vital to find other sources of non-agricultural activity in order to reduce pressure on and unlawful exploitation of the plant cover of these vulnerable areas;* (Tunisia)

(e) *Recognizing that the areas which are vulnerable to or seriously affected by drought and/or desertification, particularly in Africa, are situated in countries where the unprecedented ecological crisis is aggravated by the world economic crisis, an excessive state debt burden and a deterioration in the terms of trade, all of which make it difficult to mobilize resources for development and for combating desertification;* (Burkina Faso)

(f) *Considering that anthropogenic desertification is assuming ecological disaster proportions, compounded by unsustainable use of water and land resources, unsustainable agriculture practices, the effects of nuclear testing and space launchings, as well as by a protracted economic crisis;* (Kazakhstan)

14. Desertification as a global problem

(a) *Recognizing that the drylands of the world comprise about 0.9 billion hectares of hyper-arid deserts (natural deserts) and approximately 5.2 billion hectares of arid, semi-arid and dry sub-humid lands; that they are the sources of livelihood of some 900 million people; and that the total drylands area (6.1 billion hectares) is about 40% of the Earth's land and is distributed world-wide, 32% in Africa, 32% in Asia, 12% in North America, 11% in Australia, 8% in South America, and 5% in Europe;* (OAU)

(b) *Considering that desertification now affects approximately one sixth of the world's population and one quarter of the entire land surface of the globe, and that, given the magnitude of the problem and its social, economic, financial and physical consequences for the world as a whole, progress can be made only through a genuine, concerted and global effort;* (Burkina Faso)

(c) *Believing that, because of the global nature of the problem, combating desertification calls for solutions at all levels - international, regional, and national - with the effective participation and support of all countries;* (Tunisia)

(d) *Recognizing that desertification is a global and not merely a national or regional problem, that is liable to harm the environment of the entire planet and that it is therefore necessary to recognize that the present convention constitutes an essential framework for global protection of the environment and for progress towards sustainable development;* (Tunisia)

(e) *Considering that the time has come to establish, as a matter of urgency, a universal partnership, and that the challenge now to be taken up consists in finding practical means for achieving the great aims and carrying out the tasks set out in the programme of Agenda 21;* (Burkina Faso)

15. Desertification's major impact in developing countries

(a) *Noting that the regions and areas affected by drought and/or desertification, also have the highest concentration of the Least-Developed Countries (LDC's) in the world;* (OAU)

(b) *Noting also that the population of these regions and areas are condemned to exert more than ordinary efforts or normal investments in the pursuit of sustainable development, including in attaining the progressive improvement of the living standards and conditions or their populations;* (OAU)

(c) *Convinced that, in the last 20-30 years, in the absence of a systematic policy of job creation and of soundly managing the essential financial equilibria in these countries, the purchasing power of the modestly rising nominal per capita incomes in the above countries has steadily decreased, compelling their growing populations, which have no alternative sources of income, to resort to the extensive exploitation of marginal lands to the point of accelerating their degradation, and to abandon heretofore stable traditional pastoral practices in order to engage in agriculture for survival in zones suited for livestock production and industries;* (OAU)

16. Desertification as a particular problem in africa

(a) *Mindful of the specific needs of the African countries constituting 32% of the World's drylands, and 70% of LDC's and beset with immense*

social, political and economic upheavals, generating the largest number of refugees the majority of whom are women, children and the elderly including environmental refugees and displaced persons; (OAU)

(b) *Mindful also that, although drought and desertification spare no continent, it is particularly in Africa, in which are situated two-thirds of the countries in the least developed category, that the consequences are most tragic;* (Tunisia)

(c) *Considering the grave consequences of desertification and drought and that the most important of these, in Africa, are the accentuation and acceleration of recurrent drought cycles and the aggravation of harmful social-economic effects, land degradation, mass exodus and migration of populations and the thwarting of development efforts;* (Senegal)

17. Relationship with climate change and biodiversity

(a) *Reaffirming the universal consequences of the phenomena of drought and desertification as well as their global socio-economic impact, including the inter-linkage between desertification and other global environmental issues, especially those of climate change and biodiversity;* (OAU)

(b) *Considering that desertification and drought are the primary causes of destruction of productive land resources world wide, that they contribute to the impoverishment of the world's biological diversity and to destruction of biomass and of the bio-productivity of the planet, and that they are also factors contributing to climate change;* (Burkina Faso, Mali)

18. Sovereign rights to exploit resources and duty to avoid damage to other States

(a) *Reaffirming also the sovereign rights of all States to exploit their respective resources in accordance with the United Nations Charter and other relevant international conventions;* (OAU)

(b) *Recalling that, pursuant to the Charter of the United Nations and the principles of international law, states have a sovereign right to utilize their own resources in accordance with their own environmental and development policy and have a duty to ensure that activities carried out within the limits of their jurisdiction and under their control do not cause environmental damage in other states or in regions that do not come under any national jurisdiction;* (Tunisia)

19. Need for data collection, research and corrective measures

(a) *Bearing in mind the general lack of information on and knowledge of desertification and the urgent need to develop scientific, technical and institutional means of ensuring the basic knowledge that is required in order to devise and carry out appropriate measures;* (Tunisia)

(b) *Noting the importance of making exhaustive inventories and evaluations of the work done to combat the desertification in the countries concerned and of drawing the necessary conclusions for improvement of the measures being taken;* (Tunisia)

(c) *Stressing also the need for effective international cooperation in the field of research and development and for applying ecologically sound technologies to combat drought and desertification;* (Tunisia)

(d) *Reaffirming the crucial role of science and technology in combating drought and desertification, as well as the need for the countries concerned, particularly in Africa, to have access to them on preferential and concessional terms;* (Tunisia)

20. Need for integrated action

(a) *Considering also that combating desertification must not be regarded as a separate effort, but must be closely linked with a programme of integrated environment management that takes account of the physical and socio-economic aspects of the ecosystem involved;* (Tunisia)

(b) *Believing that implementation of integrated development measures aimed at eradicating poverty and improving the socio-economic conditions of the populations in areas affected by desertification is the best means of reducing the rate of growth of this scourge and its effects;* (Tunisia)

(c) *Considering that measures to combat desertification must be planned in the framework of sustainable development, with dynamic interaction between all development activities, and that measures to combat desertification must therefore form an integral part of the overall economic and social development strategies of the countries concerned;* (Burkina Faso, Mali)

(d) *Taking into account the lessons derived from experience of efforts to combat desertification and drought in the countries affected by this phenomenon, particularly those in Africa, experience which has revealed: inadequate laws and regulations, the absence or weakness of planning institutions and structures, in some cases the absence of a territorial planning outline, and the absence or inadequacy of the decentralization of power;* (Burkina Faso)

21. Role of women, local population

(a) *Believing that the measures proposed for the protection of fragile environments must be based on close consultation with the populations concerned;* (Tunisia)

(b) *Recognizing moreover that these populations, in which women generally constitute the majority, lead a precarious existence marked primarily by poverty, famine, malnutrition and illiteracy and that such a state of poverty gives rise to types of human behaviour that are prejudicial to protection of the environment;* (Burkina Faso)

(c) *Recognizing also the vital role played by women in combating desertification and affirming the need to ensure that they participate fully at all levels of political and economic decision-making on measures to combat drought and desertification;* (Tunisia)

(d) *Considering that the solutions to the problems of desertification and drought lie necessarily in improving the behaviour of individuals and of the community in the way they make use of resources;* (Burkina Faso)

22. Need for action by international community

(a) *Convinced that, in the current conditions of profound and rapid social, economic and environmental upheavals, it would be extremely difficult and costly for developing dryland countries, particularly the LDC's, to combat drought and/or desertification and especially to eradicate its profound causes, in the short, medium and long-run, without the assistance of the international community;* (OAU)

(b) *Drawing attention to the action taken by certain countries to arrest the scourge of desertification and to the vital need to support and assist such action in order to develop a model to be followed in other countries having the same characteristics and concerns;* (Tunisia)

(c) *Believing also that, in order rapidly to break the depressing spiral of environmental degradation and poverty, there must be an increase in intra-regional trade and a significant reduction of transport costs in the participation of rural communities and landlocked countries in the regional and world economy, and that the African economies must be protected from the devastating and destabilizing effects of recurrent drought by means of machinery for ensuring secure supplies of essential foodstuffs, at low prices, during periods of drought;* (Senegal)

(d) *Conscious of the need for genuine regional, sub-regional and international cooperation to combat drought and desertification;* (Tunisia)

(e) *Reaffirming also the need to grant further and additional financial resources to countries affected by drought and desertification, particularly in Africa;* (Tunisia)

(f) *Considering the present need to call on the imagination, experience and support of humankind as a whole in order to translate into concrete action at the local level the measures needed for protection of more than one quarter of the land surface of the globe, if its degradation is to be halted and tragic consequences for the entire planet are to be prevented;* (Burkina Faso)

23. Benchmark texts

(a) *Considering all the relevant General Assembly resolutions and decisions on drought and desertification, environment and development, particularly the call initiated for the convention, and regional declarations from Africa as well as other continents;* (OAU)

(b) *Recalling also all the relevant United Nations resolutions on combating drought and desertification, particularly resolution 32/172 of the General Assembly of the United Nations of 19 December 1977 concerning the plan of action to combat desertification and the Rio de Janeiro Conference (UNCED);* (Tunisia)

(c) *Reaffirming the validity and relevance of the decisions adopted at the United Nations Conference on Environment and Development regarding measures to combat drought and desertification, and especially the relevant chapters of Agenda 21;* (Tunisia)

(d) *Recognizing, appreciating and associating itself with the efforts made by African countries, since the 1980 Lagos Plan of Action, to promote sustainable development while maintaining the quality of the environment for future generations, having regard, inter alia, to the Conference of African Ministers for the Environment (CMAE), the OAU Priority Programme for the Economic Rehabilitation of Africa, the Kampala Declaration and such United Nations programmes as the United Nations Programme of Action for the Economic Rehabilitation and Development of Africa (PANUREDA), the Bamako undertaking resulting from the Pan- African Ministerial Conference convened by OAU at Bamako in 1991 in response to resolution 44/228 of the General Assembly of the United Nations and in preparation for the 1992 UNCED;* (Senegal)

(e) *Responding to Africa's appeal in its Common Position on Environment and Development adopted at Abidjan on 14 November 1991, which, in its paragraph 58 (v), recommends that an international convention be drawn up and signed with the aim of halting desertification in Africa;* (Senegal, Mali)

24. *Requirement for urgent action against lack of progress and deterioration*

(a) *Realizing also that, despite such urgent and extensive measures as those provided for under General Assembly Resolution 32/77 of 19 December 1977 on combatting desertification and mitigating the effects of drought, no significant progress has been achieved in controlling the expansion and negative impact of these two phenomena on the livelihood systems and the provisioning capacity of the developing countries affected or prone to these calamities;* (OAU)

(b) *Deeply concerned at the continuing degradation of the environment, at the dangerous deterioration of ecosystems that are essential to life and at the phenomena which, in the medium or long-term, could disrupt the ecological equilibrium of the planet and thus imperil the earth's capacity to feed itself;* (Burkina Faso)

(c) *Considering the urgent need to take firm measures at the world level in order to preserve the earth's ecological equilibrium and the continued existence of renewable resources;* (Tunisia)

25. Orientation of The Convention

(a) *Decide to conclude an International Convention on Cooperation to combat desertification in countries experiencing drought and/or desertification, particularly in Africa, with the aim of achieving three goals:*

i. *Raising the threshold of organisation and performance, in Africa, so that the African countries may (i) start a sustainable development safe from desertification, and (ii) acquire the means of achieving, without foreign aid, control and mastery of desertification and drought;*

ii. *Helping, by joint cooperative action within the framework of this convention, to preserve and protect the world environment;*

iii. *Helping the countries and populations of Africa to plan, carry out and manage their sustainable economic and social development on a basis of autonomy;* (Senegal)

(b) *Believing it necessary to eliminate all obstacles in the way of combating desertification and wishing to improve and supplement the existing international arrangements for combating drought and desertification;* (Burkina Faso, Mali, Tunisia)

(c) *Determined also to make effective and joint efforts to combat drought and desertification, particularly in Africa, for the benefit of present and future generations;* (Burkina Faso, Tunisia)

(d) *Determined to spare no effort first to end and then to reverse the trends that are helping to aggravate drought and desertification;* (Tunisia)

26. Other views

(a) Since time is at a premium in the INCD negotiations, it would be better to draft the preamble after commitments at local, national and

other levels are better defined.

(b) The preamble should be brief.

(c) Preambular references to "benchmark texts" should include:

i. Operative paragraphs of General Assembly Resolution 44/228 leading to the UNCED Conference and other texts on sustainable development, including poverty eradication;

ii. Specific parts of Agenda 21, including paragraphs 1 (fragile ecosystems) and 2 (lands with low carrying capacity for human population) of Chapter 12 (combatting desertification and drought), as well Chapter 9 (atmosphere) and Chapter 14 (sustainable agriculture);

iii. The Rio Declaration and relevant principles in it, including those on State sovereignty and responsibilities, intergenerational equity, environmental protection in the development process, the precautionary approach and environmental impact assessment; as well as the UNCED Forest Principles;

iv. Relevant environmental conventions; and

v. Decisions under the General Agreement on Tariffs and Trade (GATT), as well as agreements on refugees.

(d) It would not be appropriate for local or regional political declarations to be written into the text of The Convention.

(e) The preamble should distinguish five sets of causes of desertification: the rapid transformation of society, human actions, poverty, rainfall variations, and long term climatic changes.

(f) The preamble should recognize the responsibility of countries affected by desertification to make necessary policy changes, for example in land tenure systems; to promote social equity and sustainable land use practices; and to empower rural communities to take part in national policy dialogues and gain control over their own development process.

(g) Since commitments in The Convention should concentrate on land degradation issues, the preamble should not dwell on broader questions of sustainable development, such as the general eradication of poverty, important as they might be.

(h) The preamble should not contain extensive references to the impact of the international economic environment on desertification processes. It would be inappropriate for The Convention to go deeply into this matter since other competent fora are already dealing with it.

(i) The preamble should stress that strategies to combat desertification should be based on, and continually reevaluated in the light of, relevant scientific, technical and economic considerations.

(j) The preamble should welcome and encourage measures by States and organizations, including important scientific work and actions, pursuant to Chapter 12 of Agenda 21, already taken or underway at various levels to understand and address the problem of desertification. In doing so, it would be appropriate to list the major organizations involved.

(k) The Preamble should recognize the role and rights of indigenous people.

II. Principles

27. Converging views

The Rio Declaration adopted at UNCED contains agreed principles, many of which are relevant to combatting desertification. The Convention should refer to the Declaration and relevant individual principles in the preamble and/or in a separate article on principles if one is accepted.

Diverging views

28. *Issue: inclusion of separate article on principles*

(a) The principles in the Rio Declaration are too general to cover all the detailed commitments in The Convention. An explicit, separate article is needed with principles specific to combatting desertification and mitigating drought. Principles can serve as guiding statements to ensure Convention implementation. The Climate Change and Biodiversity Conventions provide ample precedents for an article on principles. The provisions on principles in these conventions, appropriately modified to take account of the objectives of The Convention, could serve as a model.

(b) There should be no such article. Its legal status would be ambiguous. Other sections of The Convention would cover much of the same ground. Moreover, the international community already agreed on a set of principles for sustainable development in the Rio Declaration. Negotiating a set of separate principles in The Convention would not only be time consuming but would proliferate introductory elements. Elements of principles not intended to be mandatory should appear in the preamble, with appropriate references to the Rio Declaration or its individual principles. Those meant to be legally binding should appear mainly in commitments guiding affected countries in preparing action programmes.

(c) A section on principles would be acceptable only if it avoided an overly general article on objectives and inclusion of "thorny issues" in operational articles. In this case, it would be best to cite relevant principles of the Rio Declaration rather than negotiate new language.

Drafting proposals

29. OAU drafting proposal

(a) *For the purpose of achieving sustainable development within the context of the objectives of this Convention and to implement its provisions, annexes and protocols, the Parties shall be guided, inter alia, by the following principles:*

i. States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to environment of other States or areas beyond the limits of national jurisdiction;

ii. The principle of sovereignty of States shall prevail in all international cooperation programmes meant for drought and desertification;

iii. The principle of collective responsibility in the maintenance of a sound and healthy global environment which entails, inter

alia, a rational and sustainable management of natural resources, avoiding land degradation and loss of productive capacity, the adherence to which is currently inhibited by lack of the necessary capability and capacities in the affected arid, semi-arid and dry sub-humid countries;

iv. The principle of cooperation and partnership in establishing measures to harness and marshall the organizational capability, technological capacity, and the appropriate financial resources and mechanisms needed to combat drought and/or desertification.

v. The principle of international solidarity;

vi. The principle of shared, but, differentiated responsibility in promoting and implementing the provisions of The Convention;

vii. The principle of participation of target populations including decentralisation of decision-making;

viii. The principle of subsidiarity in defining and financing projects and programmes; and

ix. The principle of integrated approaches in designing and implementing projects and programmes. (Article 3)

30. Other drafting proposals

(a) In the measures they take in order to achieve the objectives of the convention and implement its provisions, the parties shall be guided, inter alia, by the following:

(i) *The degradation of productive ecosystems is posing a serious threat to human progress and to the survival of the populations concerned. Because of its trans-border effects, there is a need to establish world-wide international cooperation;*

(ii) *The original causes of desertification are complex, multiple and varied. Uncontrollable cyclical drought, irregularity and poor distribution of rainfall, water and wind erosion, irrational exploitation of the environment, the practice of extensive cultivation, salinization of soil, poverty and the other forms of underdevelopment are among the causes. It is therefore necessary to eradicate the basic underlying causes of this phenomenon rather than its symptoms.*

(iii) *Activities undertaken in the framework of the present convention should take due account of the social, cultural and ecological specificity of vulnerable areas. They should therefore be oriented primarily towards ensuring the wellbeing and development of populations affected by drought and/or desertification or that are likely to become so affected. In this context, special attention must always be paid to African countries experiencing drought and desertification;*

(iv) *Desertification is a self-accelerating process sustained by the soil and bringing with it, as it progresses, an exponential increase in the cost of rehabilitating the areas affected by desertification. It is therefore urgently necessary to combat desertification before the cost of land restoration makes it impractical and so that the possibility of taking remedial action is not lost for ever;*

(v) *The parties must take measures to anticipate, prevent, or attenuate the causes of drought and desertification and to limit their effects;*

(vi) *Efforts to combat desertification cannot be dissociated from the development process, since poverty is one of the main factors contributing to the accelerated worsening of drought and desertification. These efforts must therefore form part of a broad integrated programme to promote the economic and social progress of the countries concerned;*

(vii) *The parties have the right to seek sustainable development and must work actively towards this end, as economic development is essential to the success of any undertaking aimed at halting the basic causes of drought and desertification;*

(viii) *Since the shortage of financial resources is one of the most serious obstacles impeding the action of the developing countries to combat drought and desertification, no effort should be spared to make available to these countries, particularly in Africa, further new financial resources on concessional terms;*

(ix) *Access to and transfer of environmentally sound technology on preferential terms for the benefit of developing countries experiencing drought and desertification, particularly in Africa, should be a priority aspect of the international cooperation to be initiated in this context by the contracting parties; and*

(x) *The parties must collaborate in developing an open international economic system that will lead to economic growth and sustainable development for all the parties, particularly those in Africa, thus enabling them better to tackle the problems connected with drought and desertification.* (Senegal, Tunisia)

(b) *In their efforts to achieve the objectives of the convention and to implement its provisions and protocols, the parties shall be guided by the following:*

(i) *Pursuant to the Charter of the United Nations and the principles of international law, states have the sovereign right to exploit their own resources in accordance with their environmental and development policy and they have a duty to ensure that activities carried out within the limits of their jurisdiction or under their control cause no harm to the environment in other states or in areas that are not under any national jurisdiction;*

(ii) *All states and all peoples must cooperate in the essential task of eliminating poverty, which is the prerequisite for sustainable development aimed at reducing differences in levels of living and better meeting the needs of the majority of the world's peoples;*

(iii) *The right to development must be realized in such a way as fairly to satisfy the development and environmental needs of present and future generations;*

(iv) *States must cooperate in a spirit of world partnership with the aim of preserving, protecting and restoring the health and integrity of the world's ecosystem. In view of the different roles they play in the degradation of the world environment, states have collective but different responsibilities; the developed countries must accept their own particular responsibility in the international efforts being made to achieve sustainable development, having regard to the pressures*

which their societies exert on the world environment and to the technology and financial resources at their disposal;

(v) *The situation and the special needs of the developing countries with regard to desertification, and particularly those of the generally more vulnerable African countries, must be given special priority. International efforts to combat desertification should also take account of the interests and needs of all countries;*

(vi) *States should cooperate in promoting an open and favourable international economic system that will generate economic growth and sustainable development in all countries, thus facilitating action to combat desertification and drought;*

(vii) *In order to protect the environment and combat desertification, measures must be taken by states on a broad scale according to their capacities. Where there is a risk of serious or irreversible damage, the absence of absolute scientific certainty should not be used as a pretext to delay until later the adoption of effective measures to prevent degradation of the environment;*

(viii) *Women have a vital role in management of the environment and development; their full participation is therefore essential in combating desertification and achieving sustainable development;*

(ix) *Because of their knowledge of the environment and their traditional practices, indigenous populations and communities and other local groups have a vital role to play in combating desertification and drought. States should recognize their identity, their culture and their interests, should grant them all necessary support and should enable them to participate effectively in the achievement of sustainable development; and*

(x) *States and peoples should cooperate in good faith and in a spirit of solidarity in observing the principles set forth in the present convention.* (Burkina Faso)

31. Other views

The following were some general suggestions about the types of principles which The Convention might incorporate:

(a) The primary responsibility of states affected by desertification and drought to define a strategy adapted to their economic, social and demographic circumstances, to improve their knowledge, to manage their resources in a sustainable manner, to establish adequate institutions and to provide a stable economic environment; and

(b) The desirability of urging parties to:

i. Prevent, reduce and where possible reverse land degradation by utilizing sustainable land use and management practices, by employing and incorporating appropriate traditional methods and by taking account of local cultural and development values;

ii. Empower custodians of land, through appropriate national institutional arrangements, to use resources sustainably;

iii. Promote technical assistance and capacity building to combat desertification in developing countries affected by desertification, and exchange among all countries information relating to drought and desertification;

iv. Develop partnerships among all levels of government, communities and landholders to establish an understanding of the nature and value of land resources, and to work towards their sustainable use; and

v. Put in place national policies and institutional arrangements to identify, examine and reconcile economic, social, cultural, demographic, ecological and other concerns in order to sustain the full range of uses of land for the benefit of the whole community into the future.

32. Secretariat observations

The submissions which the Secretariat received, particularly in comments and drafting proposals on the preamble, principles and objectives, dealt with the same topics in different ways in different places. In order to retain the flavour of the submissions, the Secretariat did not attempt to eliminate such repetition. In drafting The Convention, however, it would be necessary to decide on the best place for each discrete element.

III. Objectives

33. Converging views

The text of The Convention should clarify its objectives so the basis for obligations and commitments in it is clear. There needs to be at least a succinct paragraph stating objectives, whether in the preamble or in a separate article if one is agreed. The title of The Convention is a good starting point.

Diverging views

34. *Issue: incorporation of objectives*

(a) An article clearly stating the objectives of The Convention is needed to provide proper focus and perspective. It should be long enough to capture major objectives. It might include objectives at various levels and specify the linkages between them.

(b) The Convention should include an article on objectives but it should be brief. In addition to providing clarity, such a succinct statement leaves flexibility to pursue strategies suitable to some regions but not others and to avoid strategies that ultimately prove less effective.

(c) An article on objectives is not an essential part of The Convention. In order not to detract from consideration of the main substance of the text, it would be better to have a brief clause in the preamble along the lines that the primary objectives are to address the causes of desertification, principally through the management of land resources at the local level, and to maximize dryland productivity. Alternatively, since an article on objectives would be difficult to negotiate, the title of The Convention could serve as a point of reference.

35. *Issue: scope of The Convention*

(a) The main objective should be to promote sustainable land use and sustainable development in the countries affected by desertification and drought through the eradication of poverty and the assurance through international cooperation of food security, energy supply, economic growth and the stability of financial resources.

(b) The Convention's objectives should emphasize the socio-economic aspects of desertification as it results mainly from human impacts, realizing that drought is a natural phenomena which must be handled in a different way. The Convention will, however, loose necessary focus if its objectives are broadened to include all aspects of sustainable development. The emphasis should be on verifiable objectives facilitating long-term commitments, as well as on concrete actions to deal with the causes of land degradation at the local level. For the purposes of The Convention, promotion of sustainable development is not an end in itself but a means to combat desertification.

36. *Issue: priorities in combatting desertification*

(a) In setting objectives, The Convention should give priority to preventing the desertification of productive land that is not degraded or little degraded rather than to reclamation and rehabilitation of already desertified land, particularly if it is severely degraded.

(b) The Convention should give equal weight to preventing and mitigating desertification in order to maximize the biological productivity of drylands.

Drafting proposals

37. OAU drafting proposals

The objectives of this Convention, to be pursued in accordance with its relevant provisions, annexes and protocols are to:

(a) Prevent and combat drought and/or desertification with a view to achieving sustainable development;

(b) Halt land degradation and the accelerated destruction of ecosystems and production systems;

(c) Improve the living conditions of the populations in the areas affected by drought and/or desertification through a strategy of poverty eradication;

(d) Establish a corroborative framework of co-operation and partnership based on mutual interest;

(e) Strengthen capacity-building at the local, national, sub-regional and regional levels;

(f) Secure the sustainable development of the populations in the arid, semi-arid and dry sub-humid lands against the negative impacts of desertification and the effects of recurrent droughts; and

(g) Develop the organizational, scientific, and technological means, research capacities, and financial resources needed to rehabilitate, maintain and protect a healthy environment in the affected areas. (Article 4)

38. Other drafting proposals

(a) *The immediate objective of the present convention and of any related legal instruments which the conference of the parties may adopt is the establishment of organized international cooperation aimed at preventing and halting the spread of desertification and combating the negative effects of drought, as well as taking action wherever it is possible to restore desertified land in order to make it productive. In conjunction with the aim of achieving sustainable*

development, the objective of such cooperation based on the principle of partnership is to maintain and increase the productivity of arid, semi-arid and sub-humid areas and of other areas exposed to desertification, so as to improve the quality of life of their populations. (Tunisia)

(b) *The objective of the present convention and of any related legal instruments which the conference of the parties may adopt is the establishment of sustainable development, through the up-keep and the improvement of the productivity of arid, semi-arid and sub-humid areas and of other areas, so as to improve the quality of life of their populations.*

The objectives are:

i. *Establishment of organized international cooperation to prevent and halt desertification and to combat the negative effects of drought;*

(ii) *Promotion of the sustainable development of countries experiencing drought and desertification, particularly in Africa, in a balanced environment, through technical assistance and effective transfers of technology; and*

(iii) *Monitoring of the dynamics of ecosystems, including the development of an early warning system and, wherever possible, action to rehabilitate desertified land in order to make it productive again.* (Senegal)

(c) *The overall objective of the convention is to marshal effective and specific commitments, actions and cooperation at local, national, regional and global levels to implement a new integrated systems approach to combating desertification and mitigating drought by promoting sustainable development at the local community level according to the real needs local people perceive. This implies a long-term focus on both improving living conditions and the quality of life at the community level and simultaneously managing land resources sustainably to maximize dryland productivity. This will mean creating a framework of solidarity and partnership based on mutual interest that will provide local populations with the genuine assistance they need in order to exploit their land sustainably.* (Burkina Faso)

(d) *The overall objective is to marshall effective international assistance and international and national commitments to combat desertification and to mitigate drought in developing countries.* (Canada)

(e) *The overall objective of specific commitments, actions and cooperation at local, national, regional and global levels is to implement a new integrated systems approach, taking into account scientific, technological, informational knowledge, financial, social and economic elements, to preventing and combatting desertification and to mitigating drought, as well as to improve the living conditions of people in the regions affected by desertification and achieve sustainable development of dryland productivity.* (China)

(f) *The overall objective of the convention is to marshal effective commitments, actions and cooperation at the global level to implement an integrated approach to combating desertification (and the effects of drought) that is based on sustainable development at the local community level and on the needs of the population. This implies improving living conditions at the community level and sustainable*

management of natural resources. The regional protocols related to the present convention pursue the same objectives at the local, national and regional levels. The parties will make the necessary commitments to enable these protocols to give practical support to policies for combating desertification that have been developed within the framework of this convention. (France)

(g) *The overall objective of this Convention is to combat desertification more effectively. The immediate objectives of this Convention are:*

i. To define commitments from governments to combat desertification more effectively in areas with an arid, semi-arid or sub-humid climate and in areas experiencing desertification due to serious drought;

ii. To facilitate the formulation and implementation of local, national, sub-regional, regional and international strategies;

iii. To establish a framework that will enable governments to fulfil such commitments and carry out such strategies; and

iv. To establish a system to monitor and review such commitments and strategies. (The Netherlands)

39. Other views

(a) The preliminary paragraph on objectives in paragraph 19 of document A/AC.241/7 is a good starting point for developing an article on " objectives, as is Agenda 21.

(b) Paragraph 19 is too complicated and too broad. The objective of The Convention should simply be to combat desertification more effectively. To achieve this objective, it is necessary to define government commitments, facilitate the formulation of local, national, sub-regional and international strategies and establish a system to review and monitor these commitments and strategies.

(c) Paragraph 19 would be acceptable if the last sentence were amended to read: *This implies a long term focus on both improving living conditions and the quality of life at the community level and simultaneously increasing the quality of land resources to maintain a sustainable agricultural production.*

(d) The paragraph on objectives could contain some targets and timetables for implementation.

(e) Objectives should encompass the need to strengthen regional cooperation, to increase South-South cooperation, to mobilize resources at all levels, to ensure early-warning systems and insurance mechanisms to drought-prone drylands, and to provide technical assistance and capacity-building.

(f) The Convention should reflect these two related objectives:

i. To foster greater national, sub-regional, regional, and international commitment in cooperation, coordination and harmonization of efforts in the implementation of Chapter 12 of Agenda 21 and related chapters deemed to have a direct impact on drought and desertification; and

ii. To provide a framework for better delineation of the role of policies and commitments by all involved parties and for greater mobilization of international collective efforts.

40. Secretariat observations

(a) In negotiating Chapter 12 of Agenda 21, governments extensively debated the issue of priorities in combatting desertification. They agreed on the following formulation in paragraph 3: *"The priority in combatting desertification should be the implementation of preventive measures for lands that are not degraded, or which are only slightly degraded. However, the severely degraded areas should not be neglected"*.

(b) With regard to the issue of the scope of The Convention the Committee might also wish to note agreed language from Agenda 21. Chapter 12, paragraph 35 reads: *"In a number of developing countries affected by desertification, the natural resource base is the main resource upon which the development process must rely. The social systems interacting with land resources make the problem much more complex, requiring an integrated approach to the planning and management of land resources. Action plans to combat desertification and drought should include management aspects of the environment and development, thus conforming with the approach of integrating national development plans and national environmental actions plans."*

IV. Definitions

41. Converging views

At UNCED, countries adopted in Agenda 21 an agreed definition of desertification as "a process of land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors including climatic variations and human activities." The Convention should incorporate this definition.

Diverging views

42. *Issue: extension of definition of desertification*

(a) The Convention should extend the agreed definition of desertification to include relationships among ecosystems, climatic factors and the socio-economic conditions of populations affected by desertification.

(b) It would not be desirable to extend the agreed definition of desertification to deal with the promotion of sustainable development generally nor to encompass hyper-arid, humid, sub-humid or arctic areas.

43. *Issue: procedures for negotiating an article on definitions*

(a) Obviously some key, broad terms, such as desertification and drought, will have to be defined. The need for definitions should be determined, however, in the course of the negotiations, and considered at a later stage in the negotiations. In particular, the objectives of The Convention should be clear before work on definitions begins. It would be dangerous and time consuming to draw up at an early stage a long list of terms, many of which might not ever appear in The Convention. Since definitions are subject to ambiguity, only essential ones should be included. Terms such as integrated development, local community and traditional technology are examples of difficult-to-define terms, whose meaning might better be implied from articles on commitments.

(b) Definitions will influence the scope, subject matter and funding arrangements in The Convention. They should be unambiguous and based on sound empirical evidence. The International Panel of Experts on Desertification (IPED), working in parallel with the INCD, should

prepare for the Committee a report outlining alternative definitions and their implications for The Convention. This would reduce political input into what should be a process of objective, scientific determination.

(c) Initial drafting of definitions at the INCD level should take place in a drafting group of the appropriate Working Group.

(d) Terms other than "desertification" could be included in an annex, appendix or glossary.

(e) Definitions in Agenda 21, or earlier agreed by the United Nations Conference on Desertification (UNCOD), should be drawn on as much as possible.

Drafting proposals

44. OAU drafting proposal

(a) *"Desertification" is a process of land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities. Its manifestations include loss of biological diversity and depletion of water resources, resulting in significant social and economic disruptions due to the deterioration of life-support systems. Consequently, concerns for this phenomenon stem from its debilitating impact on the capacity of populations and communities to sustain the creation of the means needed for livelihood as well as for the improvement of the environment. In such a situation, poverty becomes the root cause as well as the consequence of desertification, which can be further exacerbated by the impact of drought.*

(b) *"Combatting desertification" consists in reversing the process of land degradation and the adverse effects of climate change, and restoring as well as protecting biological diversity. This would require, as a fundamental strategy, the promotion of sustainable socio-economic development in order to eradicate poverty and ensure food and energy security; the sustainability of economic growth and employment; the security and stability of financial resources as well as the improvement of living conditions and habitat.*

(c) *"Drought" refers to a sustained period of water deficit in particular areas, perhaps lasting a few months or many years. Conditions within drought-affected areas may vary considerably in space and time in accordance with the spatio-temporal irregularities of the rainfall distribution within the heterogeneity of the hydrological response of the river basins that are affected, as well as within the response of natural vegetation, agricultural and crop production. The term drought can also be classified according to a number of criteria involving several variables used either alone or in combination such as meteorological drought, agricultural drought, and hydrological drought:*

i. "Meteorological drought" refers to short period droughts or dry spells, when precipitation is far below the expected normal;

ii. "Agricultural drought" is determined from the condition of natural vegetation, crops, livestock pastures, and other agricultural systems; and

iii. "Hydrological drought" is the deficit in rivers flows and surface and ground water resources. It involves the availability of water in the form of precipitation runoff, evaporation, infiltration, river systems and other

surface/ground water inflow/outflow systems which may be included in the hydrological water balance. (Article 2)

45. Other drafting proposals

(a) *Desertification is a process of degradation of the land in arid, semi-arid, and sub-humid areas that is the result of various factors, including climatic variations and human activities, and reaches stages where the survival of human groups in the areas concerned becomes uncertain, where the land and activities connected with it are no longer capable of feeding humans on a regular basis, and where human settlements will gradually disappear, ultimately leading to a socio-ecological situation in which no development is possible.* (Burkina Faso)

(b) *"Land Degradation": The reduction of the biological and economic productivity potential of land resources by one or a combination of processes which include, among others, soil erosion, desiccation of the soil profile and long-term reduction in the amount of natural vegetation or decrease in crop yield as well as the salinisation and alkalinization of the soil.* (Malaysia)

Other views

46. *Specific comments regarding individual definitions*

(a) It would be useful to define, possibly in an annex, countries experiencing serious drought and/or desertification. Rather than negotiating this distinction, the INCD could ask the Panel of Experts to distinguish, on the basis of current knowledge, countries experiencing little, moderate and serious desertification and/or drought. Alternatively, an annex could list "affected countries" experiencing serious drought and/or desertification eligible to avail themselves of assistance under The Convention and are willing to commit themselves to address desertification and drought domestically through national and sub-regional action programmes.

(b) It is important to define drought and distinguish it from desertification as a different but interlinked problem requiring different response strategies.

(c) The Convention should not include a definition of humid or sub-humid climates, unless possibly temperate and polar climates are also defined. More generally, The Convention should not deal with humid areas or with forest or other ecosystems outside drylands.

(d) The concept of combatting desertification should take full account of socio-economic factors leading to the exploitation of marginal lands. It should encompass in particular poverty alleviation, promotion of alternative livelihoods, and development of alternate energy sources.

(e) Climate classification definitions (dryland, arid, semi-arid, dry sub-humid) should follow Thornthwaites 1948 definition as updated in UNEP's World Atlas of Desertification. Similarly, definitions of drought and its different manifestations (meteorological, agricultural, hydrological) should follow standard WMO usage.

47. *List of terms suggested for definition*

(a) Climate variation, drylands, length of growing season, climate classification (hyper-arid, arid, semi-arid, dry sub-humid, sub-humid, and humid climates);

(b) Drought (including agricultural, meteorological, and hydrological drought), drought threshold, serious (severe) drought, drought prevention, drought cycles;

(c) Water resources (quality and quantity, surface and underground), shared waters, hydrological cycles, irrigation, precipitation enhancement;

(d) Desertisation, desiccation, stability threshold, risk of desertification, speed of desertification, elementary ecosystem, ecological disruption;

(e) Land degradation (in cropping, pastoral and forest systems), irreversible land degradation; overgrazing, degradation of vegetation;

(f) Combat desertification (to distinguish prevention, rehabilitation, management and improvement), technology for combatting desertification (including traditional technology), management of fragile ecosystems, land reclamation;

(g) Integrated development, sustainable rural development, local community, real needs of local populations, alternative livelihoods, alternative energy systems, population growth, migration; and

(h) Minimum data sets, comprehensive data sets.

48. Secretariat observations

(a) Definitions are generally restricted, in international conventions, to key technical terms used in the agreement whose meaning affects the nature and scope of obligations and commitments.

(b) Organizations such as the World Meteorological Organization (WMO) and others have already produced extensive glossaries of terms related to drought and desertification. It might be possible to compile such internationally agreed definitions, where relevant, for use by the parties to The Convention in a document outside the framework of The Convention itself.

(c) A number of the terms suggested for definition might be difficult to define precisely on the basis of scientific knowledge. Examples include length of the growing season, stability threshold, risk of desertification, degradation of vegetation, biological productivity of the planet, and planetary biomass.

(d) The Panel of Experts questioned references to drought cycles. Panel members generally agreed with the conclusions on this point of the presentation on climate/desertification interactions during the information sharing segment of the INCD's first substantive session. Many scientists, recognizing the variability of climate through time in dryland areas, have attempted to identify statistically significant cycles in local and regional precipitation data. Analytical techniques have not been able, however, to identify prominent cycles in all or most dryland areas since the results vary considerably from one study to the next. In some areas during some time periods, certain statistically significant cycles are found in the data but the results are rarely found to be the same in datasets from nearby locations or from different time periods.

SECTION TWO: COMMITMENTS AND OBLIGATIONS

I. Structure and nature of commitments

49. Introduction

This sub-section is primarily concerned with the structural organization of the commitments to be entered into by the Parties. The key issue is to identify the criteria that should be used to create different categories of commitments. As will be seen, various suggestions have been made in this regard. However, the drafting proposals received not only cover the proposed categories but also describe the actual commitments of the Parties in each category, as they would appear in The Convention. While the following sub-sections deal with many of these commitments in greater detail, it was preferable to reproduce the drafting proposals in full in the present sub-section. This gives a better appreciation of the full spectrum of commitments contemplated. It follows that this section also touches on the actual nature of the proposed commitments.

50. Converging views

(a) As the first post-UNCED environmental treaty, The Convention is an important test of governments' willingness to translate their continuing commitment to Agenda 21 into a legally binding framework.

(b) There is considerable overlap between commitments at the global and regional levels and those in national and sub-regional action programmes that they would reenforce.

(c) In all cases, The Convention should reflect a long-term perspective with broad vision and a bias toward innovation. In addition, the primary focus should be on supporting action at the local level.

(d) Commitments in The Convention should take account of, and avoid, duplication with those in instruments such as the Climate Change and Biodiversity Conventions. Where there are common issues, there should be formal and substantive consistency.

Diverging views

51. *Issue: Inclusion of drought response strategies*

(a) The Convention should contain a separate section dealing with commitments to prepare for, and mitigate, the effects of drought.

(b) National and sub-regional action programmes should include elements on the development of drought preparedness and response schemes.

(c) While The Convention could appropriately encompass some aspects of drought preparedness and response, for example early warning systems, it should not deal extensively with this range of issues. It would not be wise to duplicate the intense efforts already underway under the guidance of other competent forums. Since drought is a natural phenomena, The Convention should take account of it only to the extent it contributes to desertification.

52. *Issue: Specific provisions on global environmental issues*

(a) The Convention should take an independent view and complement other environmental instruments and initiatives as necessary with specific provision which reflect the unique aspects of dryland ecosystems.

(b) The Convention should not contain specific provisions overlapping those of other instruments, particularly the Conventions on Climate

Change and Biodiversity. The parties to each instrument are not the same; each text represents a delicate political balance of its own.

Drafting proposals

OAU drafting proposal

53. Scope of The Convention

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) *In arid, semi-arid and dry sub-humid regions, in areas affected by drought and/or desertification within the limits of its national jurisdiction;*

(b) *In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.* (Article 1)

54. Design and implementation of strategy

(a) Strategy: *To satisfy the objectives as stated in article 4, contracting parties agree on the necessity to:*

i. *Define the relevant macro-economic framework for the countries and regions affected by drought and/or desertification; and*

ii. *Analyze the contextual conditions under which the economies of the affected areas perform in order to identify for negotiation the constraints, the objectives, the regional programmes, the measures, the activities, the financial institutions and the instruments needed, as well as the required institutional arrangements.* (Article 5)

(b) Measures to implement strategy: *Preparedness and management is essential in mitigating the effect of drought on the populations living in the arid, semi-arid and dry sub-humid lands. To this end, Contracting Parties agree to put in place the following measures:*

i. *Establish early warning systems;*

ii. *Strengthen drought preparedness and management;*

iii. *Establish mechanisms for food security including inter alia:*

- *Establish security reserves stocks and networks including storage and marketing facilities;*

- *Introduce and/or strengthen the coordination and better management of food aid; and*

- *Establish measures for better management of crisis situations;*

iv. *Elaborate measures and legislations to control transhumance;*

v. *Establish mechanisms for a better handling of drought refugees and displaced persons; and*

vi. *Support the introduction of drought-resistant, fast growing plants.* (Article 7)

55. Key elements of strategy

(a) Elements of strategy: *Contracting Parties agree on the following elements of strategy: a) drought preparedness and management; b) infrastructural development; c) alternative livelihood systems; d) pastoral development; e) policies and management of arid, semi-arid, and dry sub-humid lands; and f) empowerment of grassroots organizations.* (Article 6)

(b) Pastoral development: *In order to improve degraded pastoral lands all parties shall undertake to introduce schemes for better range land management practices including inter alia: a) the promotion of proper grazing management; b) the promotion of range improvement practices; and c) the promotion of range land water development.* (Article 10)

(c) Policies and management for the arid, semi-arid and dry sub-humid land: *In order to achieve rational utilization of the land and to curb land degradation and loss of productivity, the Parties undertake to adopt the following measures:*

i. *Formulate proper land use policies and integrate such policies in the overall national development plans;*

ii. *Intensify soil and water conservation measures at the local, national, sub-regional and regional levels; and*

iii. *Establish integrated farming and other land use practices that are geared to the protection of land resources.* (Article 11)

(d) Empowerment of people and their grassroots organizations: *Grassroots organizations and other similar entities are essential in achieving the objectives of The Convention. To this end all parties, especially those in the affected regions and areas, shall undertake the following measures:*

i. *Full involvement of all grassroots organizations and other similar groups in the affected regions and areas in all activities related to combatting drought and/or desertification;*

ii. *Provision of access to credit and other financial resources to promote drought and/or anti-desertification campaigns at all levels;*

iii. *Promotion of alternative sources of livelihood;*

iv. *Establishment of producer and/or marketing cooperatives as well as rural services and credits; and*

v. *Provision of alternative sources of energy at affordable cost.* (Article 12)

56. Categorization of commitments by groups of countries

(a) Global commitments : *The Contracting Parties commit themselves to:*

i. *Assuming collective responsibility in the maintenance of a healthy global environment and cooperating to help each other to contribute to this end;*

ii. *Undertaking shared but differentiated responsibility in promoting and in implementing the provisions of The Convention;*

iii. *Promoting cooperation and solidarity between and among themselves and establishing measures to harness and marshall*

the organizational capability, technological capacity and financial resources needed by those countries affected by drought and/or desertification in order to help the latter achieve sustainable development as well as greater responsibility in the promotion and maintenance of the health of the global environment;

iv. *Adopting, as the central strategy for attaining the objectives of The Convention, poverty eradication within the framework of policies for sustainable development;*

v. *Establishing the necessary arrangements and understanding, in the spirit of collective responsibility, global interdependence, and solidarity, for all necessary negotiations to put in place an appropriate enabling international economic environment for the promotion of sustainable development in the arid, semi-arid and dry sub-humid lands of the planet;*

vi. *Establishing arrangements among themselves to harness and share the needed technological means including inter alia the promotion of technological cooperation, joint research and development activities, the facilitation of transfer of technologies, and training;*

vii. *Undertaking all steps necessary to facilitate access to the needed financial resources and institution in order to ensure adequate, timely, predictable and dependable funding of the specific activities required for the attainment of the objectives of the Convention;*

viii. *Demonstrating political will and sustained commitment for action at national, regional and international level; and*

ix. *Establishing arrangements to mitigate the impact of external debt on affected countries and regions.* (Article 13)

(b) Commitments to be undertaken by countries affected by drought and/or desertification: *Countries affected by drought and/or desertification commit themselves as follows:*

i. *To give the first priority to the struggle against drought and desertification by allocating a substantial portion of their respective financial resources to achieve these objectives;*

ii. *To mobilise financial, technical, material and human resources to ensure that sustainable management of drought and desertification has been achieved against the multiple consequences of the scourge;*

iii. *To consider all necessary measures to ensure effectiveness, a participative approach of target populations and the centralization of the decision making process, including the implementation of programmes and projects to combat drought and desertification;*

iv. *To communicate all information relating to environmental issues including the results of research and practical experiences in the struggle against drought and desertification;*

v. *To promote the awareness and the commitment of populations to participate in activities of drought and desertification control;*

vi. *To ensure rational management of environmental issues and development of agriculture and cattle-raising; and*

vii. *To take all necessary measures to implement institutional mechanisms to ensure that the combat against drought and desertification is sustainable and that national centres for coordination of activities in drought and desertification control are created.* (Article 14)

(c) Commitments to be undertaken by countries not affected: *Countries not affected by drought and/or desertification agree to promote the approach within the perspective of sustainable development.* (Article 15)

(d) Commitments to be undertaken at sub-regional and regional levels: *In this context, Contracting Parties have agreed to take the following steps:*

i. *Developing regional cooperation among countries to facilitate the combat against drought and/or desertification and their consequences;*

ii. *Developing further the preventive aspects of the struggle against this phenomenon;*

iii. *Developing emergency plans for the combat of prolonged drought and other natural scourges affecting the regions degraded by drought and/or desertification; and*

iv. *Promoting the exchange of information on appropriate technologies, technical know-how and experience between the countries of the region.* (Article 16)

(e) Commitments at the international level: *Industrialized countries agree to undertake the following:*

i. *Ensure that affected countries benefit from assistance and support to combat desertification and reduce the impact and consequences it has on national economies and social structures in these areas;*

ii. *Facilitate the mobilization of new financial resources in the areas concerned in order to implement successfully all national projects to combat drought and desertification and their consequences;*

iii. *Facilitate the transfer, acquisition and adaptation of rational technologies, as well as technical know-how, to benefit those countries affected and to support their sustainable development efforts; and*

iv. *Undertake necessary measures to improve international market conditions and to reduce the effects of deterioration of foreign exchange rates, as well as national debt burdens.*

(f) Developing country cooperation: *The developing countries also commit themselves to the following in the area of South/South cooperation:*

i. *Supporting the effort of affected countries in the struggle against drought and desertification; and*

ii. *Promoting programmes in the area of environmental protection and the conservation of natural resources.* (Article 17)

(g) Obligations vis-à-vis African countries affected by drought and/or desertification

i. *In the course of the implementation of the various provisions of this Convention by the Parties, priority shall be accorded to dealing with the particular situation of African countries affected by drought and/or desertification.*

ii. *During the first ordinary session of the Conference of the Contracting Parties, all necessary steps shall be taken to ensure the prompt and effective implementation of the protocol on Africa to be adopted in accordance with Article 63 as an integral part of the Convention with additional measures to be adopted in favour of African countries affected by drought and/or desertification.*
(Article 61)

57. Linkages to global environmental conventions

(a) Relationship with other Conventions: *The Parties agree to recognize the close link that exists between the realization of the objectives of this Convention and those pursued by other existing legal instruments particularly the Framework Convention on climate change, the Convention on biodiversity and the Convention on the protection of fauna and flora.*

(b) *In this regard, the provisions of this Convention shall, in no manner, affect the rights and obligations of the parties inherent in any international legal instrument related to the objectives of this Convention.*

(c) *The Parties shall urge countries that are signatories to international legal instruments related to the objectives of this Convention to be part of, and to facilitate, joint projects in the fields of research, training and exchange of information.* (Article 59)

Other drafting proposals

58. Areas of cooperation

Cooperation in combating drought and/or desertification should ensure ways and means of:

(a) *Better understanding the features of these two phenomena and better monitoring their evolution in order to combat them and to increase and more effectively utilize the potential of existing natural resources;*

(b) *Establishing special environmental solidarity mechanisms, including national capacity building;*

(c) *Encouraging development and technology transfers with the aim of reducing the consumption of natural resources in the production of goods and services;*

(d) *Securing fair prices in the international trade in agricultural, forest and pastoral products and in other raw materials; and*

(e) *Helping to monitor trans-border pollution and the various kinds of natural disaster, through encouragement of and support for regional and sub-regional integration and cooperation.* (Senegal)

59. Categorization of commitments by groups of countries

(a) Commitments by all the parties: *Having regard to their collective but differing responsibilities, all the parties shall:*

(i) *Encourage and support the establishment of different kinds of international cooperation aimed at eradicating the real causes of drought and desertification;*

(ii) *Prepare, periodically update, publish and make available to the conference of the parties in accordance with the provisions of article 13 national reports on the measures taken to implement the provisions of the present convention.*

(iii) *Prepare, carry out, publish and regularly update national, sub-regional and regional programmes aimed first at halting and then at reversing trends that are contributing to the worsening of drought and desertification;*

(iv) *Encourage and support, through their cooperation, the development, use and dissemination, through technology transfer, of ways and means of controlling, reducing or preventing drought and desertification;*

(v) *Encourage and support, through cooperation, activities in the field of scientific research, technology and social and other techniques, systematic observations and the establishment of data banks on drought and desertification;*

(vi) *Encourage and support, through their cooperation, education, training and the enhancement of public awareness in the areas of drought and desertification and encourage the fullest participation of institutions and associations, including the non-governmental organisations;*

(vii) *Establish, at the international level, a system for observation of the phenomena of desertification and land degradation with a view to improving living conditions in the areas affected;*

(viii) *Strengthen, or establish where necessary, world networks for systematic observation and evaluation of soil degradation and desertification that may be caused by climate change and human activities;*

(ix) *Ensure the protection and conservation in situ of special ecological zones by adopting legislation to combat desertification while protecting biological diversity;*

(x) *Encourage and carry out productive investment in their regions experiencing drought and desertification; and*

(xi) *Communicate to the conference of the parties information concerning the implementation of the present convention*
(Senegal, Tunisia)

(b) At the international level: *Pursuant to the principles of the convention and with a view to improving the quality of life of the inhabitants of areas severely affected by drought and/or desertification, the international community, on the basis of a partnership of all the countries concerned, undertakes:*

(i) *To mobilize the necessary financial resources for providing technical and financial assistance to developing countries severely affected by drought and/or desertification;*

(ii) *To devise pricing and trade policies that will encourage the development of agriculture and maintenance of the productivity of drylands;*

(iii) *To develop appropriate technologies for combating desertification and to ensure the transfer of the technology on favourable terms to countries which need it;*

(iv) *To ensure world-wide monitoring and coordination of the campaign to combat desertification by establishing a world network of national, sub-regional and international institutions and technology centres to be responsible for current practical evaluations and continuous monitoring of desertification;*

(v) *To develop, carry out, monitor and evaluate a world plan for combating desertification. The world plan for combating desertification, which shall take the form of a protocol on implementation of the convention, shall consist of a manual on universal strategies and a manual on regional plans of action:*

- *The manual on universal strategies shall define a code of conduct and for the harmonization of action and support measures for combating desertification; a code of conduct for international trade policies, a natural resources accounting system; an international plan of action based on Agenda 21 relating to such matters as: activities in the areas of research and development, collection and analysis of data, exchange of information, transfer of technology and cooperation, capacity building, education and development of awareness, coordination and cooperation; and*

- *The manual on regional plans of action shall be made up of the various national and sub-regional plans of action classified by geographical region.*

(vi) *To draw up and organize the international plan of action and the national and sub-regional plans of action in accordance with the procedure and general directives laid down in the present convention.* (Burkina Faso)

(c) Commitments of the developed countries: *More specifically, the developed countries parties undertake:*

(i) *To help and give effective support to developing countries affected by drought and/or desertification in their efforts to combat or prevent negative effects of drought and desertification;*

(ii) *To give absolute priority to the efforts being made by African countries to combat drought and/or desertification;*

(iii) *To make available on a regular, reliable and predictable basis further new financial resources for the benefit of developing countries experiencing drought and desertification, particularly in Africa;*

(iv) *To assist developing countries experiencing drought and desertification in their efforts to develop energy substitutes to replace firewood;*

(v) *To facilitate access to and the transfer of ecologically sound technology for combating drought and desertification, on preferential terms, for the benefit of developing countries*

experiencing drought and desertification, particularly in Africa;

(vi) *To work actively for the emergence of an international economic environment that will encourage sustainable economic growth of all countries, and particularly of African countries; and*

(vii) *To grant preferential treatment to the least developed countries experiencing desertification and drought.* (Senegal, Tunisia)

Other views

60. *Nature of commitments*

(a) The main commitment should be simply to combat desertification. Document A/AC.241/7 provides a good basis to develop this fundamental commitment. Additional commitments should take the form of measures at various levels to ensure that, with adequate political will, The Convention's objectives will be met.

(b) Commitments to large scale research and monitoring programmes contributing to sustainable resource management should be designed to support local actions.

(c) Commitments at the regional level should emphasize strengthening of regional and sub-regional institutions.

(d) Commitments should not involve the proliferation of institutions.

(e) Commitments should clearly recognize women's role as resource managers, their contribution to combatting desertification and their need for better access to education, training and credit and other financial services.

(f) Commitments in The Convention itself should only involve elements which governments can control and which can be reviewed and verified. Practical issues relevant to a limited number of countries should be the province of related regional instruments.

(g) Commitments should focus principally on dealing with the underlying causes of desertification, both physical and human-induced. Commitments on mitigation should receive a lower priority.

(h) Commitments on measures in national action programmes to promote popular participation should not interfere with the right of countries to determine the nature of their political systems.

(i) Commitments in action programmes should be simple and discrete since their nature would make it difficult for them to be precise or timebound.

(j) The Convention should provide that countries can meet their obligations under The Convention and any subsidiary instruments through existing and prospective bilateral, multilateral or regional cooperative arrangements.

61. *Functional commitment categories*

(a) *Scientific commitments* including better diffusion of results through creation or strengthening of national structures and through decentralization of international research centres;

(b) *Technical commitments* including assurance of better tools for affected countries through transfer of technology;

(c) *Economic commitments* including factors such as debt and trade; and

(d) *Financial commitments.*

62. *Categorisation of commitments by groups of countries/organizations*

Another method of structuring commitments would employ some or all of the following categories of countries and organizations:

(a) *Commitments by affected countries*, including at the local level, as reflected mainly in national action programmes;

(b) *Commitments by countries in a region/sub-region*, as reflected mainly in sub-regional action programmes;

(c) *Commitments by developed countries*, principally in the areas of financial resources, technology transfer/cooperation and capacity building, which involve improved donor programme coordination, enhanced used of multilateral channels, and support for national and sub-regional action programmes;

(d) *Commitments among developing countries* involving relevant aspects of South-South cooperation such as interregional networks for dryland research, information exchange and training;

(e) *Commitments by unassisted countries*, including both unaffected countries and affected countries not seeking assistance, involving support both for national/sub-regional action programmes and regional/global initiatives;

(f) *Commitments by all countries* regarding:

i. International cooperation in areas such as global networks for research, systematic observation and information exchange; education/awareness; and financial mechanisms; and

ii. Establishment of national strategies, within the context of national environmental plans and priorities, to address and facilitate mitigation of, and adaptation to, desertification along with a public accounting of the elements of such strategies and their effect on land degradation;

(g) *Commitments regarding the role of international organizations; and*

(h) *Commitments on the role of non-governmental organizations (NGOs) in implementing The Convention.*

63. *Format of commitments*

The Convention should be an "umbrella" agreement containing general obligations to be coupled with sub-agreements tailored to combatting desertification in specific geographic regions. It should be a streamlined instrument directly related to objectives defined early in the negotiating process. Its format should recognize that, before parties commit resources to implementation, affected countries desiring assistance should develop explicit strategies to combat desertification and report on them to the Parties. Commitments should then be divided into:

(a) A section on general obligations that will assist implementation of national and sub-regional action programmes in related regional instruments; and

(b) An implementation section allowing for selection of education, technical, financial and other mechanisms to achieve The Convention's objectives.

64. *Format of individual sections on commitments*

(a) Commitments regarding research and development and those on systematic observation should be merged in a single section of The Convention.

(b) There is no need for a separate section on capacity building. Other sections, such as those on education and awareness, exchange of information, financial resources and technology cooperation, can adequately cover the subject.

(c) A separate section on linkages to global environmental issues is not required. Other sections, such as those on research, systematic observation and exchange of information, can adequately reflect this range of issues.

65. *Utilization of Agenda 21*

Agenda 21 contains pertinent texts for many issues arising in the negotiation. The Convention should draw on them closely and explicitly with appropriate modifications. Chapters 9, 11, 12, 14 and 15 of Agenda 21 are particularly important as are relevant chapters of Sections III and IV.

66. *Linkages to global environmental conventions*

(a) The Climate and Biodiversity Conventions contain some useful formulations and historical information, particularly regarding education, access to and transfer of technology, and popular participation.

(b) The crucial related issue of land/water relationships should be the main theme for this section.

(c) Research is required to better understand the relationship with other global issues, such as water resources, climate change and biodiversity, in order to avoid duplication.

(d) Cooperation with related conventions should be institutionalized.

(e) The Convention should recognize linkages to other environmental conventions in the preamble but not elaborate them in operational articles since this might interfere with discussions in other fora.

67. Secretariat observations

(a) In considering the treatment of drought preparedness and relief, the Committee might wish to refer to Programme Area E of Chapter 12 of Agenda 21 in which governments agreed on detailed measures at the national, sub-regional and international levels to develop comprehensive drought control measures.

(b) It is also worth noting that desertification can reduce resilience to drought and in the process lead to coping strategies that exacerbate desertification processes.

II. Action programmes

A. National action programmes

68. Converging views

The Convention should put in place procedures and criteria for the development and review of long-term national action programmes. They would incorporate specific commitments, both by countries affected by

desertification and by the international community, which could be effectively implemented. The design of the action programmes should take account of local conditions and allow for distinct solutions in different socio-economic and ecological situations. Some fundamental conditions for the success of the action programmes would be:

(a) Adoption of a long-term approach, of at least five years and preferably longer, with provisions for both regular review and assessment, as well as revision to reflect changed circumstances and improved knowledge;

(b) Emphasis on a participatory approach in policy-making and implementation, which would engender a sense of partnership with local populations, particularly women, putting their needs first, engaging them directly, giving them clear incentives to combat land degradation, promoting local initiative, and actively involving all resource users in planning and decision making;

(c) Incorporation of action programmes as an integral part of a single strategic planning framework for sustainable development. They should also encompass a comprehensive and evolving strategy, operational guidelines and procedures for integrating projects;

(d) Creation at the national level of an "enabling environment" whose policies and programmes would remove bottlenecks to local action and give local populations access to appropriate management technologies and information;

(e) Enhancement of coordination, cooperation and efficiency at all levels, recognizing that actions at different levels overlap;

(f) Recognition of the role of non-governmental organizations (NGOs), including grass-roots organizations, in supporting local initiatives;

(g) Effective cooperation at the sub-regional level; and

(h) Support from the international community, particularly in the areas of funding, technology, research, information, data collection and training.

Drafting proposals

OAU drafting proposal

69. Policies in support of action programmes

(a) National programmes: *In implementing the provisions and with a view to achieving the objectives of The Convention, the Contracting Parties agree to formulate and mobilize domestic resources to support national programmes and measures in accordance with articles 19 to 27 below.* (Article 18)

(b) *Sustainable development: The implementation strategy of The Convention shall be organized around the following activities:*

i. *Formulation of an appropriate macro-economic framework;*

ii. *Adoption of measures and programmes for poverty eradication;*

iii. *Establishment of specific programmes and measures for combatting drought and/or desertification;*

iv. *Empowerment of the local communities; and*

v. *Encouragement and promotion of participation of populations concerned and ecological education, stressing desertification control and management of drought consequences.* (Article 19)

(c) Poverty eradication: *The Contracting Parties agree to:*

i. *Increase the share of drought and desertification action plans in the central budget of central governments;*

ii. *Create opportunities for greater employment and income generation;*

iii. *Ensure stabilization of prices as well as defence and/or improvement of the purchasing power of private incomes and revenues;*

iv. *Ensure elimination of rigidities and bottlenecks to trade and investment flows, including removal of non-tariff barriers;*

v. *Increase both private disposable incomes and the efficient use of public incomes through decentralizing non-strategic government services, fiscally empowering local communities, and reducing the cost and wage bill of the central government, including reduction in military expenditure;*

vi. *Widen opportunities and lower the cost of production as well as provisioning activities through sub-regional and regional cooperation and economic integration;*

vii. *Provide credit facilities and instruments, including monetary policies and financial arrangements;*

viii. *Increase efficiency of external grant and other financial aid;*

ix. *Prepare and integrate drought and/or desertification control programmes, including preventive aspects, into national development plans; and*

x. *Adopt specific and democratic policies to support programmes aimed at improving land use and enhancing the productivity of agro-systems in arid, semi-arid and dry sub-humid lands.* (Article 20)

70. Measures in action programmes

Programmes and measures to combat desertification: *The Contracting Parties agree to establish measures and programmes to combat desertification in arid, semi-arid and dry sub-humid lands as follows:*

i. *Monitoring as well as data collection and analysis on the affected countries and regions;*

ii. *Relevant research and development;*

iii. *Development of drought resistant crops that either are income generating or ensure food security;*

iv. *Identification of alternative resources and technologies;*

v. *Reclamation of desertified lands;*

vi. *Specialized training;*

vii. *Development and implementation, as well as monitoring the implementation of, agreements on shared rivers, lakes and aquifers;*

viii. *Acquisition and transfer of relevant technology;*

ix. *Identification of measures to enhance the economic potential of drylands through tourism and commodity trade;*

x. *Promotion of the socio-economic development of these areas through the creation of employment opportunities and through incomes based upon the sustainable use of natural resources and the application of innovative but conservative business practices which observe the principle of conservation of resources;*

xi. *Arresting of further degradation and rehabilitation of degraded areas by specific measures which would include controlling animal numbers through economic incentives and disincentives, instituting appropriate land tenure systems and appropriate land-use practices, and improving access to credit for poor communities through innovative measures; and*

xii. *Promotion of economic growth in arid degraded areas and areas prone to desertification by declaring them economic-desertification combat zones, where entrepreneurs involve local people in some specific form of share-holding in their ventures based on local natural resources, train local people in specific skills; and start health, education and social programmes that will be eligible for zero-rate taxes, concessionary land grants, and the like.* (Article 21)

71. Areas to be covered in action programmes

(a) Programmes and measures for drought management: *The Contracting Parties agree to undertake the following measures:*

i. *Establish drought early warning systems;*

ii. *Improve and/or strengthen drought preparedness and management practices;*

iii. *Establish food security schemes to cover security reserve stocks and networks, including storage and marketing facilities;*

iv. *Establish arrangements and mechanisms for the control of transhumance; and*

v. *Establish arrangements for handling drought refugees and displaced persons.* (Article 22)

(b) Development of water resources: *The Contracting Parties agree to undertake the following measures:*

i. *Encourage and support the introduction of schemes and systems for water conservation, efficient water delivery and water harvesting;*

ii. *Support access to and acquisition of water development technologies at affordable cost;*

iii. *Introduce measures for harnessing and better management and rational utilization of water resources;*

iv. *Introduce specific legislation for water quality control;*

v. *Establish mechanisms for exploiting fossil water resources;*

vi. *Implement effective and healthy methods, from social, economic and ecological viewpoints, to develop water resources; and*

vii. *Cooperate with the countries concerned in ensuring the rational and judicious management of shared water resources.* (Article 23.1)

(c) Rational management of natural resources: *The Contracting Parties agree to:*

i. *Properly manage water-sheds, forests, wildlife and pasture lands;*

ii. *Monitor ecosystems and production systems;*

iii. *Conduct environmental impact assessment;*

iv. *Institute integrated projects and programmes for management of natural resources;*

v. *Ensure proper land use planning;*

vi. *Encourage and support participation of populations, particularly women and children;*

vii. *Ensure ecologically rational management of soils particularly those exposed to drought and desertification; and*

viii. *Preserve wildlife and vegetation in countries affected or likely to be affected by drought and/or desertification.* (Article 23.2)

(d) Maintenance of vegetation cover: *The Contracting Parties agree to undertake the following measures:*

i. *Take the necessary precautions to ensure protection and management of vegetation cover;*

ii. *Support programmes for revegetation and rehabilitation of affected areas;*

iii. *Establish and protect areas for forest reserves, ensuring the protection of soils; and*

iv. *Introduce appropriate systems of management of degraded pastures.* (Article 23.3)

(e) Food security: *The Contracting Parties agree to undertake the following:*

i. *Establish and maintain a network of food security reserves and ensure proper storage and marketing;*

ii. *Step up and/or establish comprehensive feeder-road programmes and other efficient communication facilities in affected regions;*

iii. *Ensure the availability of water for food production;*

iv. *Introduce and develop drought resistant crop plants;*

v. *Ensure availability of food at affordable prices to both rural and urban populations, particularly during crisis situations;* and

vi. *Improve the overall productivity of agricultural lands.* (Article 24.1)

(f) Energy security: *The Contracting Parties agree to undertake the following:*

i. *Support the development and efficient use of various energy sources;*

ii. *Initiate and/or strengthen programmes aimed at developing and promoting alternative sources of energy inter alia, solar, wind, hydro-power and geothermal;*

iii. *Support increased availability of biomass energy through afforestation, reforestation and woodfuel demand management programmes; and*

iv. *Support specific arrangements for technology transfer, acquisition and adaptation, as well as networks for efficient energy product exchange and use.* (Article 24.2)

(g) Institutional strengthening: *The Contracting Parties agree to:*

i. *Strengthen national institutions;*

ii. *Adopt financial measures and mechanisms that promote natural resources management;*

iii. *Ensure that a substantial portion of their national budgets goes to programmes dealing with drought and desertification control;* and

iv. *Undertake land tenure reforms, taking into account the concerns of local populations.* (Article 25.2)

72. Other drafting proposals

(a) Strengthening of institutions: *The countries experiencing drought and desertification undertake, for their part:*

(i) *To encourage or strengthen the establishment of national coordination, information and evaluation centres for combating drought and desertification; and*

(ii) *To encourage or strengthen institutions at the national and local levels for evaluating efforts to combat drought and desertification.* (Senegal, Tunisia)

(b) Access to natural resources: *The countries severely affected by drought and/or desertification undertake to ensure for producers security of access to natural resources by the following means:*

(i) *Drawing up and encouraging the enactment of land tenure legislation suited to the local socio-economic context which will guarantee for the various categories of producers, including women, a right of access to land;*

(ii) *Preparation of coherent legislation on the use of water resources at the local and national levels (management of rivers, catchment areas, watersheds and ground water) so as to*

encourage renewal of water supplies and equitable sharing of water;

(iii) *Adaptation of forestry codes to local socio-economic and socio-ecological contexts with the aim of encouraging community ownership and management of forest resources;*

(iv) *Preparation of pastoral activity codes that will strengthen the necessary synergy between agriculture and livestock raising; and*

(v) *Formulation of regulations to govern protected natural areas, taking care to associate populations with conservation and development strategies and give them responsibility for the management of natural resources.* (Burkina Faso)

(c) Strengthening of national structures: *Within the framework of the implementation of national plans of action, countries severely affected by drought and/or desertification undertake:*

(i) *To create or strengthen national machinery for combating desertification, with the necessary powers of decision-making and coordination so that it will have institutional responsibility for preserving the socio-ecological equilibrium throughout the national territory. It must therefore be capable of furnishing guidance, rules of conduct and parameters to all the other government bodies performing sectoral development activities;*

(ii) *To decentralize this national body for combating desertification in accordance with the country's form of administration; and*

(iii) *To establish active cooperation among all the participants in efforts to combat desertification at the local level.* (Burkina Faso)

73. Other views

(a) *Role of case studies*

i. The case studies which the Secretariat is sponsoring are a useful tool for testing procedures for developing action programmes.

ii. The time schedule is too tight for the case studies to provide a comprehensive basis for long-term action programmes, particularly given the time involved in developing community driven approaches. They cannot at this point develop a precise model for action programmes. Their preparation should be adjusted for a more realistic outcome.

iii. It would not be desirable to have case studies that amount to wide-ranging statements of integrated development requirements, which would detract from a Convention focused on the central issue of combatting desertification.

(b) *Location of action programmes in The Convention*

The section dealing with action programmes should appear early in the text of The Convention immediately after the introductory elements.

(c) *Strategy of action programmes*

The basic strategy of the action programmes should encompass two domains in order to build "partnership arrangements" among communities, government and custodians of land, which are fully reflected in the programmes. The domains are:

i. *Civil society (communities, resource users and the public)*, including reduction of poverty, local development and popular participation/involvement, reduction of population pressure, prevention of migratory movements, training, education and public awareness, dissemination of information and techniques, adaptation of land tenure arrangements, use of traditional knowledge, and promotion of research; and

ii. *The State (central government and local authorities)*, including roles in supporting civil society through land-use planning, decentralization, creation of rural infrastructure, regional planning, coordination of research/training, introduction of new management methods, promotion of education/awareness, and creation of an appropriate economic environment, as well as appropriate institutional frameworks.

(d) *Goals of action programmes*

i. *Increase knowledge* by agreeing on common physical and socio-economic parameters, harmonizing data collection and use, establishing information networks, and emphasizing long-term research needs;

ii. *Strengthen resource management* by changing legislative frameworks, developing rural codes, institutionalizing relationships between central government and local communities, developing local tax and spending authority, training local people, and promoting the role of women;

iii. *Improve institutional frameworks* by redefining the role of the central government in efficient resource management, and reorienting land use planning to differentiate actions with human and economic potential; and

iv. *Enhance the economic environment* by ensuring a minimal income to prevent population movements, by facilitating market access, by organizing markets, by developing rural credit systems, and by promoting alternative livelihoods.

(e) *Structure of action programmes*

i. Identification of factors contributing to desertification, such as systems of land tenure, traditional land uses, population characteristics, and transportation systems;

ii. Elaboration of the process of collecting basic data along the lines of paragraph 36 of document A/AC.241/7 but including topography as a variable;

iii. Delineation of the activities at national level which could contribute to positive changes in land use, such as regulations, legislation and infrastructure;

iv. Description of national strategies that might contribute to a change in attitudes toward land use, such as communication, education and training; and

v. Characterization of the processes available to identify local needs, to facilitate local initiative, and to support planning processes/local actions addressing desertification issues.

(f) *Criteria for action programmes*

To be successful, action programmes would have to meet criteria such as the following, which could be spelled out in The Convention, contained in related regional instruments, or developed by the Conference of Parties.

i. Promote sustainable land and water uses and practices;

ii. Stabilize and restore degraded ecosystems and infrastructure, where economically and technically feasible;

iii. Develop and introduce sustainable agricultural and pastoral technologies that are socially and environmentally acceptable and economically feasible;

iv. Establish and maintain educational programmes in the identification, conservation and sustainable use of dryland ecosystems;

v. Encompass comprehensive drought preparedness and relief schemes, including self-help arrangements for drought areas;

vi. Identify anticipated resources necessary to carry out local and national strategies; and

vii. Maintain mechanisms to systematically observe and report on implementation of strategies, if necessary with external assistance.

(g) *Features of action programmes*

National action programmes should contain some or all of the following features:

i. Community-based review and assessment networks to complement support systems for community-based development;

ii. Establishment of a local framework guaranteeing:

- The rights of rural groups (farmers, pastoralists, indigenous people, women) and of resource users, including access and control, land use, and an institutional framework to solve land use conflicts effectively; and

- The access of rural groups, as well microentrepreneurs in rural towns, to education, training, credit, financial services and marketing mechanisms;

iii. Development and formal recognition of NGOs and an increased role for them in national fora;

iv. A shift away from measures aimed at the physical dimensions of desertification toward protection and improvement of the livelihoods of local people which broadened economic opportunities;

v. Measures to establish sustainable land and water management in areas such as soil conservation, afforestation, agro-forestry,

and reforestation; soil conservation legislation; forest management; food and energy security;

vi. Mechanisms to strengthen drought preparedness and mitigation as well as to combat desertification;

vii. Priority in national budget allocations for programmes to combat desertification and mitigate drought, including environmental education/awareness programmes and measures to communicate information, experiences and research results to local populations;

viii. Monitoring mechanism as well as appropriate targets and timetables; and

ix. A national population policy.

(h) *Nature of enabling environment*

The enabling environment is a precondition for success. It requires good governance, political will, a readiness to examine past practice and identify shortcomings, and a process of decentralization of power. It should include:

i. Policy action and technical measures binding on all actors;

ii. Solutions to land tenure problems through rural codes and other legislation;

iii. Transparent procedures for conflict resolution;

iv. Increased liberalization of institutional and economic systems;

v. Less bureaucracy;

vi. Inclusion of population growth relative to land carrying capacity and other demographic trends, as a decisive factor in resource management;

vii. Clear commitment to utilise economic instruments effectively, including budget allocations to agricultural support programmes, agricultural pricing incentives, minimisation of direct government intervention in agriculture production, energy pricing, export incentives, and the use of environmental economics to ensure that economic policies reflect proper resource valuation; and

viii. Economic and socially sound measures which act as incentives for the conservation and sustainable use of dryland ecosystems experiencing or susceptible to desertification.

(i) *Main areas of action programmes*

i. *Food and energy security* including harnessing of water resources; water access/use (water use systems, watering norms for different cultures, surface and underground water use, modern irrigation techniques, drainage); drought early warning systems; modernization/management of drought emergencies; agricultural productivity; expansion of extension services; rehabilitation, improvement and sustainable management of rainfed croplands, irrigated croplands, pastures and forests; and development and efficient use of energy systems;

ii. *Rational management of resources* including ecosystem monitoring; environmental impact assessments; integrated resource management programmes; land-use planning; alternative livelihood systems; diversification of employment; identification and protection of fragile ecosystems; strengthening of infrastructure; and protection and multiplication of endangered species;

iii. *Research, information and training* including development of drought resistant plants with higher nutrient value; short and long-term forecasting; integrated information collection and analysis systems; training and greater use of indigenous experts; education and awareness programmes; enhancement of traditional knowledge and technology; technology transfer and cooperation; and utilization of biotechnologies; and

iv. *Institutional development* including financial mechanisms, budget priorities, and land-tenure regimes.

(j) *Donor commitments*

The action programmes should promote a new approach to resource management at the national and local levels which requires from donors:

i. Commitments to consider requests for long-term financial assistance for the implementation of national programmes and partnership arrangements, and to refrain from providing assistance incompatible with them;

ii. Greater coordination of donor programmes/projects to avoid duplication;

iii. Increased flexibility in project design and funding;

iv. Streamlined administrative and budget procedures; and

v. An experimental, "iterative" approach to project implementation.

(k) *International support for action programmes*

To ensure the needed international support for action programmes, each related regional instrument should address:

i. Financial cooperation whereby appropriate parties undertake to provide on such terms and conditions as may be mutually agreed, financial support and assistance incentives to developing countries experiencing serious drought and/or desertification, who have requested such assistance, in order to advance national activities that are intended to achieve specific objectives of the national plans and programmes identified and agreed upon in the related instruments;

ii. Agreement for the same purpose by appropriate parties to give due priority and attention with the governing bodies of multilateral development institutions to development assistance for countries experiencing serious desertification and/or drought; and

iii. Scientific and technical cooperation whereby appropriate parties agree to cooperate in promoting, directly, or through competent international bodies, the establishment of domestic market conditions that will promote the development and transfer under standard commercial practices and on a voluntary

basis as agreed by the participants of technology and knowledge directly applicable to combatting desertification and mitigating the effects of climate variation causing drought, in particular:

- Creation of domestic market conditions for the commercial exchange of available technology, including systems to provide effective protection of intellectual property rights;

- Exchange of data, information and experience; and

- Provision of technical assistance.

(l) *Preparation of programmes*

i. Many past programmes have been of low quality, amounting to little more than "shopping lists" for external assistance. The INCD may wish, with the help of the United Nations Sudano-Sahelian Office (UNSO) and other relevant organizations, to put forward examples of best practice in the preparation of programmes so as to achieve the highest possible quality. It also might be best to simplify the programmes by listing many of their elements without amplification.

ii. Appropriate international, regional and sub-regional organizations should assist affected countries desiring assistance to prepare action programmes without undue delay.

72. Secretariat observations

Based on disappointing past experience, IPED members emphasized that action programmes adopted pursuant to The Convention should be based on an integrated approach and should demonstrate clearly how intentions will be put into practice. With respect to the actual content of the programmes, they made the following additional points:

(a) Decentralization and participation by local populations in the planning and management of natural resources should be made properly operational. This would require the formal transfer to local populations of rights to control and manage natural and financial resources;

(b) Programmes should address the means by which the resistance of communities to drought can be increased to avoid unnecessary suffering, loss of productive resources, and costly programmes of rehabilitation;

(c) The pastoral sector requires particular attention, focusing on security of access to, and use of, key pastoral resources, such as water, grazing land and other renewable resources. Allocation of control over pastoral water points by pastoral communities themselves is of the highest priority. The need to maintain the mobility of herds requires an innovative approach in the design of service delivery to these communities (health, veterinary care, education, credit, and the like). Pastoralism should be recognized as an effective use of land, with a similar status as agriculture.

(d) The demographic aspects of natural resource management need more attention, particularly migration both within countries and between countries in dryland regions. In the absence of appropriate arrangements for access to and control of land and other resources, conflicts between migrants and local populations can arise. National population policies are necessary to deal with migration and other demographic issues.

(e) Clarification and reform of land-tenure regimes should be given the highest degree of priority;

(f) Donor countries should commit to the adoption of commercial practices compatible with the achievement of a more sustainable management of natural resources in dryland areas. This would involve, for example, freer access to their markets and the abandonment of dumping practices in the markets of dryland developing countries.

B. Sub-regional action programmes

74. Converging views

Coordination and harmonization of national efforts at the sub-regional level is an essential ingredient of success in combatting desertification and mitigating drought. For this reason, there should be sub-regional action programmes to complement and enhance national programmes. To be effective, they require commitments not only by countries in the area but by the international community. They should also be heavily focused on supporting action at the local level. They should address issues such as the following:

(a) Strengthening of sub-regional institutions and their rationalization to avoid duplication;

(b) Sub-regional cooperation in all areas of combatting desertification and mitigating drought;

(c) Establishment and enhancement of sub-regional centres of excellence, as well as networks for research, systematic observation and assessment;

(d) Exchange of information, experiences, and know-how, including on policy and programme alternatives in fields such as land-tenure, resource management and decentralization;

(e) Arrangements on transfer/cooperation in disseminating indigenous technologies; and

(f) Agreements on sub-regional transboundary issues, such as the management of shared water resources in lake and river basins and common grazing land.

Drafting proposals

75. OAU drafting proposal

(a) Promotion and strengthening of regional integration and international cooperation: *The Contracting Parties undertake to:*

i. *Identify and implement integrated regional development programmes;*

ii. *Guarantee fair prices for raw materials and agricultural products; and*

iii. *Take the following steps:*

- *Develop regional cooperation among countries to facilitate combatting drought and/or desertification and their consequences;*

- *Develop further the preventive aspects of the struggle against this phenomenon;*

- *Develop emergency plans for the combat of prolonged drought and other natural scourges affecting the regions degraded by drought and/or desertification; and*

- *Promote the exchange of information on appropriate technologies, technical know-how and experience between the countries of the region.* (Article 16)

(b) Sub-regional programmes: *The Contracting Parties agree to establish the following measures and programmes at sub-regional level:*

i. *Establish joint institutions for research, assessment, monitoring and evaluation with relevant scientific and technical capacities;*

ii. *Establish joint financial institutions and mechanisms and consider creating regional facilities for supporting transnational/regional programmes under The Convention;*

iii. *Establish and strengthen joint effective early warning systems for drought and desertification;*

iv. *Support the establishment of modalities for joint effective management and use of shared resources such as grazing lands, and river and lake basins;*

v. *Establish joint infrastructure for effective communication; and*

vi. *Draw up plans for drought contingencies including drought relief preparedness and self-help mechanisms for risk areas, and programmes to receive ecological refugees.* (Article 26)

(c) Promotion and strengthening of regional integration: *The Contracting Parties undertake to:*

i. *Identify and implement integrated regional development programmes; and*

ii. *Guarantee fair prices for raw materials and agricultural products.* (Article 27)

76. Other drafting proposals

(a) Undertakings at the regional level: *At the regional level, the contracting parties agree:*

(i) *To take full advantage of the eco-region concept, preferably by coordinating measures to combat desertification and/or drought through regional and sub-regional organizations such as CILSS and IGADD;*

(ii) *To provide technical and financial support to regional and sub-regional or joint cooperation entities and to mobilize the necessary resources for the formulation, implementation, follow-up and evaluation of regional and sub-regional plans of action; and*

(iii) *To consider establishing, under the auspices of the regional and sub-regional organizations:*

- *Regional and sub-regional information and observation centres which will form an integral part of a world information and observation network; and*

- *Regional and sub-regional training centres.*

77. Other views

Sub-regional plans should identify:

(a) The nature, extent and severity of desertification and drought problems in the sub-region and their productivity/economic implications;

(b) Potential adaptation and mitigation technologies and strategies for the sub-region, including factors influencing adaptation and methods to encourage change;

(c) Available technical resources to assist local communities in the sub-region, as well as incentives and processes to encourage local adoption of mitigating technologies;

(d) Procedures to monitor the effectiveness and efficiency of sub-regional initiatives; and

(e) Integrated regional programmes and measures to provide market access and fair prices for commodities and agricultural products.

78. Secretariat observations

The Panel of Experts commented that in addressing drought mitigation, sub-regional action programmes should take account of migratory flows of people and animals.

III. Scientific and technical areas of commitment

A. Research and development

79. Converging views

Measures to combat desertification and mitigate drought must be based on sound scientific and indigenous knowledge, encompassing both the physical and social sciences, to both understand and predict drought and desertification phenomena. The Convention should address the strong need to strengthen research and development on desertification processes in both developed and developing countries, particularly research which is of direct value to local communities and which strengthens local capacity.

Drafting proposals

OAU drafting proposal

80. Research strategy

(a) *The Contracting Parties shall promote international technical and scientific cooperation in the field of drought and desertification where necessary through the appropriate international, regional, sub-regional and national institutions.* (Article 28)

(b) *The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to combatting drought and desertification.* (Article 31)

(c) *The Conference of the Parties at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.* (Article 32)

(d) *The Contracting Parties, taking into consideration the special needs of affected developing countries and particularly Africa shall*

promote and encourage research which contributes to combatting drought and desertification particularly in Africa through inter alia:

i. *Increased knowledge of the components of desertification and their role in the functions of ecosystems;*

ii. *Increased knowledge of the impact of natural and human factors as root cause of drought and desertification;*

iii. *Application of this knowledge for the sustainable use and management of land resources, water resources and energy;*

iv. *Development of technologies and other measures for combatting drought and desertification;*

v. *Development of a mechanism for estimation of the economic and social costs of drought and desertification;*

vi. *Encouragement and development of international mechanisms for research and systematic observation in the campaign against desertification; and*

vii. *Encouragement and development of local skills in developing countries affected by drought and/or desertification, particularly in Africa.* (Article 33)

B1. Research priorities

The Contracting Parties, taking into account the special needs of countries affected by drought and/or desertification shall:

(a) *Promote and encourage research for combatting drought and desertification;*

(b) *Establish and maintain programmes for scientific and technical cooperation;*

(c) *Strengthen national and subregional research capabilities in general terms as well as extension services and research institutes in dryland countries, with particular emphasis on the following issues:*

i. *Integration of indigenous knowledge;*

ii. *Water harvesting techniques;*

iii. *Fencing material for reduction of soil loss;*

iv. *Grain storage techniques;*

v. *Ploughing by animal traction (as distinct from tractorization);*

vi. *Development of land use models (old and new);*

vii. *Improvement of water harvesting techniques;*

viii. *Improvement of local germplasm (crops, trees);*

ix. *Introduction of drought resistant, fast-growing plants with first priority to indigenous plants, second priority to plants from similar climatic regions, and third priority to modern improved varieties;*

x. *Undertaking of applied land use research so as to encourage off-(research) station research, encourage participatory*

research, including with women farmers, and develop twinning arrangements in support of local research institutions;

xi. *Improvement of seasonal climate and marketing forecasts at farm level, which is especially important for time of cultivation and sowing, including locust warnings for plant protection, early harvesting, crop pest and disease forecasts, and marketing forecasts;*

xii. *Reduction of water loss; improvement of water absorption in soils: water harvesting techniques; covering of the soil surface with plants, mulch; erosion control; reduce evaporation and seepage losses from storage dams;*

(d) *Strengthen interdisciplinary research by offering grants to universities and research institutions for genuine interdisciplinary research; offering incentives for environmental education and public awareness on environmental issues; introducing integrated surveys, including use of geographical information systems (GIS) for efficient data collection, storage, integrated analysis and presentation, and making GIS technology available at decision-making level in administrations; producing adequate related technologies; and*

(e) *Devise appropriate technologies for local level.* (Article 34)

82. Other drafting proposals

Strengthening of research: *With the aim of gaining better knowledge of and more effectively monitoring the dynamics of ecosystems, the parties agree to strengthen local, intergovernmental and international organizations or programmes and networks whose purpose is to identify, carry out, evaluate and finance research and data-collection activities concerning the phenomena of drought and/or desertification. They will encourage and expand all types of activity and machinery for research and systematic observation in the area of combating drought and desertification. They will also encourage and support the development of local capacities in developing countries experiencing drought and desertification, particularly in Africa.* (Senegal, Mali)

83. Other views

(a) *Establishment of a network of research centres*

The Convention should provide for the establishment of an international network of research centres, building as much as possible on appropriate existing institutions. It would somewhat resemble the CGIAR network of international centres of agricultural research. It would comprise regional/sub-regional focal points, each in a selected ecological zone, linked to and supporting national research institutes. It would also coordinate with existing networks such as the World Weather Watch of the World Meteorological Organization (WMO). Regional centres would have considerable autonomy in setting research priorities and agendas. Their main functions would be to:

i. Act as clearing houses for monitoring and assessment units in their region or sub-regions;

ii. Carry out multidisciplinary programmes of research, technology transfer and cooperation, and socio-economic studies;

iii. Provide technical assistance to national institutes, including training of technicians; and

iv. Undertake other activities which the Conference of Parties designates.

(b) *Orientation of research activities under The Convention*

Research should be reoriented to emphasize a demand driven approach benefiting and involving local populations; the integration of traditional knowledge; the introduction of land use systems based on new practices; the development of relevant new technologies; and the enhancement of the socio-economic dimensions of multidisciplinary research.

(c) *Possible research and development priorities*

The presentations in the information sharing segment of the first substantive session of the INCD pointed to many areas for strengthening research and development activities related to drought and desertification. Research topics of particular interest might be studies of:

i. Land use practices in dryland areas, particularly extensive techniques to restore degraded areas; methods of conservation; management of water resources; rainwater collection; soil absorption; improvement of seasonal weather forecasting; and drought resistant plants;

ii. Better strategies to combat forest fires, reforestation techniques, sustainable use of forests, and alternate sources of energy, particularly to replace firewood;

iii. Development of local resources, and adaptation of indigenous technologies;

iv. The relationship between desertification and ozone depletion;

v. Economic and social factors such as the economics of sustainable development, household coping strategies and the socio-cultural aspects of land use in drylands, including land tenure systems, demographic factors, economic diversification opportunities, and gender aspects, and

vi. Biodiversity in drylands focusing not only on plants but also animals and micro organisms.

(d) *Setting research agendas*

The Conference of Parties should set research agendas periodically, taking into account the advice of a Scientific Advisory Body and should review them to eliminate overlap with research under the auspices of other organizations and conventions, particularly the Climate Change and Biodiversity Conventions.

B. Information collection, analysis and exchange

84. Converging views

(a) *Basic approach*

An essential goal of The Convention is to better coordinate and integrate the identification, collection, analysis and sharing of long-term and short-term data/inventories/information related to desertification and drought through effective global, regional, sub-regional and national monitoring and exchange networks. This coordination should incorporate a "demand driven" approach

emphasizing the utility of information to local communities, decision-makers and other end users of information in tackling site-specific problems, as well as the involvement of local communities in collection activities. It also could utilize "ecological zoning" where local sites lay on a representative "transect" of ecosystems.

(b) *Modalities*

i. These worldwide networks should make full use of existing facilities such as UNEP's Earth Watch, the World Climate Programme and the World Weather Watch of the World Meteorological Organization (WMO) and the Man and the Biosphere Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO). They would encompass, inter alia, climatic and hydrological stations, including automatic sites in remote areas. They would also use and disseminate, in a targeted and more effective way, modern technology such as satellite data and aerial photography. The utilization and strengthening of national and sub-regional data and information centres would be an important part of the process, as would the technologies and infrastructure to link them with global information sources and users.

ii. Monitoring, with compatible methodologies and data sets covering all regions, should comprise a variety of physical, biological, societal and economic indicators, including climate information for drought early warning and hydrological information. There should also be provisions for consolidation and dissemination of data bases and for computer networks for exchange of information and experiences.

Drafting proposals

85. OAU proposal

(a) Monitoring: *The Contracting Parties shall:*

i. *Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort; and*

ii. *Support the establishment of a global network of national, regional and international institutions and technical facilities for current operational assessment and continuous monitoring of drought and desertification.* (Article 36)

(b) Data collection: *The Contracting Parties shall promote international technical and scientific cooperation in the monitoring of drought and desertification through appropriate national, regional and international institutions.*

i. *Climate variables shall be based on standard WMO data sets, follow their updating and data-gap-filling procedures and include: albedo; solar radiation; rainfall (daily figures for further computations); temperature (daily minimum/maximum); air humidity (dew point); wind; dust; and hydrology (groundwater, major surface waters).*

ii. *Soil and Water variables shall include indicators of wind erosion; water erosion; salinization (including alkalization, gypsification and waterlogging); and soil fertility.*

iii. *Land use variables shall include current land uses; changes in land use over ten-year periods; woody biomass; fodder biomass; selected plant indicator species; crop yields of major staple crops; and number of livestock.*

iv. *Socio-economic variables shall include human population (including 10 year-population changes); human migration data (seasonal and annual); mortality rates (infants and adults); disease status (annual); income per capita, income distribution; sources of income; migration of livestock; market prices of staple foods (monthly, at selected markets); and energy (type, availability, and price).*

(c) Data sets: *Each Contracting Party shall commit itself to providing data sets of relevant climate variable, soil and water variables, land use variables and socio-economic variables.* (Article 37)

(d) Exchange of information: *The Contracting Parties shall commit to exchange information from all available sources, relevant to combatting drought and desertification, taking into account the special needs of developing countries. Such exchange of information shall include exchange of results of technical, scientific, and socio-economic research, as well as information on training and technological programmes, specialized knowledge, indigenous and traditional knowledge and biotechnology.* (Article 38)

86. Other views

(a) *Role of international agencies*

i. An international agency, such as UNEP, should undertake a central coordinating role for data/information networks.

ii. More work is required from UN specialized agencies to ensure the dissemination from one region to another of experiences in combatting desertification and mitigating drought. The INCD should consider an early resolution calling on these agencies to establish improved channels of communication and report to the Committee at its January session.

iii. The United Nations Development Programme (UNDP) should be encouraged to include an indicator linked to causes and effects of desertification in its list of human development indicators.

(b) *Data sets*

i. Among the key variables in data sets would be: evolution of soils, rainfall, vegetal production, agricultural statistics, risks of calorific and nutritional deficits, land carrying capacity, urbanization, flood potential, incidence of predators, grasshopper and locust infestations and bushfires.

ii. Collection efforts should, as the Panel of Experts emphasized, be based on minimum data sets since overly ambitious collection programmes are methodologically difficult and do not achieve comprehensive coverage in a reasonable time. Moreover, data collection and information exchange should not displace or substitute for effective action. Rather data collection should concentrate on essential baseline requirements and on monitoring the effects of The Convention.

(c) *Utilization of data and information*

i. Information/data networks should be used to understand the processes of desertification and drought, to systematically

observe desertification processes with the aim of preventing and mitigating their effects, and to provide early warning for periods of adverse climatic variation.

ii. Each party should, as soon as practical, use a standardized system to systematically observe and assess:

- Changing resource and climate conditions in its dryland ecosystems;

- Dryland ecosystems that are experiencing or are prone to desertification; and

- Significant resource values and uses in these ecosystems.

(d) *Information exchange criteria*

The Convention should develop precise criteria for information exchange, including restrictions on any profits from such exchanges with appropriate sanctions.

(e) *Procedures*

i. The Conference of Parties should conduct any detailed discussion of data collection and exchange.

ii. At its first session, the Conference of Parties could determine how to establish a clearing-house mechanism to promote and facilitate a standardized system for observing and reporting data, as well as other forms of technical and scientific cooperation.

87. Secretariat observations

The Panel of Experts offered a few comments on this issue along the following lines:

(a) Collection and dissemination systems should include provisions for systematic observation of the effects of actions taken to implement The Convention. This would strengthen The Convention's credibility.

(b) In general, data related to drought and desertification should be freely available to all parties to The Convention and not subject to intellectual property rights.

C. Technology transfer and cooperation

88. Converging views

Since technological support for developing countries is a key to its success, The Convention should ensure that viable mechanisms for technology transfer and cooperation are in place. Among the key issues in this process are the acquisition and dissemination of available technologies, as well as their adaptation to local circumstances. The evaluation, transfer, enhancement, utilization and adaptation of indigenous technologies is particularly important, as is a new approach to South-South cooperation.

Drafting proposals

OAU proposal

89. Basic approach

(a) *The Contracting Parties shall, in accordance with national policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies in pursuance of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.* (Article 30)

(b) *The Contracting Parties shall:*

i. *Assess the available technology in dryland areas and encourage those that are found to be suitable for enabling the people to meet their socio-economic needs and aspirations;*

ii. *Establish and develop the necessary cooperation at the international, regional, sub-regional, national and local levels in order to create an enabling environment for the acquisition and adaptation of the technologies appropriate to dryland areas;*

iii. *Develop, through cooperation, the necessary skills for technology acquisition as a means for capacity building to enable the people to uplift their own livelihoods;*

iv. *Evolve improved technologies which are accessible and affordable, especially building on suitable indigenous technical know-how in order to complement the efforts of enhanced productivity through technological innovation;*

v. *Assess the social as well as economic impacts of the technology to be acquired and transferred so as to ensure only appropriate and affordable technology reaches the local people;*

vi. *Encourage those technologies that are environment friendly in order to foster sustainable development without adversely affecting the environment; and*

vii. *Apply the precautionary principle in various considerations of technology transfer, acquisition, development, adaptation and application.* (Article 39)

90. Sectoral priorities

(a) *The above measures should apply in the following sectors, among others:*

i. *Water provision through use of both surface water harvesting methods and tapping of ground water through bore-holes, wells, and the like;*

ii. *Water purification by the use of various methods, including those used by indigenous peoples, to ensure the health of dryland inhabitants through eradication of water-borne diseases;*

iii. *Energy development through research for alternative renewable sources that tend to ease the pressure on conventional sources (Such alternative and renewable energy sources include solar, wind, bio-mass, hydro, all of which should be made affordable through cooperation since they are also environment friendly.*

One of the goals in the search for and adaptation of these types of energy would be to ease the pressure on wood resources which are already depleted in some eco-systems);

iv. *Agricultural production whose main aim is to arrive at food security for the people, an area of paramount importance (The attainment of food self-sufficiency is a necessary prerequisite which should be pursued through various means, including the use of genetic engineering techniques);*

v. *Improved animal husbandry, which is necessary for food security;*

vi. *Utilization of bio-diversity to expand industrial sources of raw materials such as gums, resins, essential oils, tannins, wax and medicines;*

vii. *Industrial development through cottage industries using locally available raw materials, especially in rural areas, making indigenous capacities more responsive to their needs;*

viii. *Curbing of land degradation through protection of the soil from salinization and alkalization, since soil is the basis for food production;*

ix. *Monitoring and assessment of drought (Drought preparedness and drought management are important especially if data is availed to farmers who need to forecast crop yields in order to alleviate possible food shortages).* (Article 40)

(b) *The Contracting Parties shall:*

i. *Encourage and support the development of indigenous technologies in the arid, semi-arid and sub-humid drylands;*

ii. *Encourage the development and transfer of local traditional know-how in promising technologies, such as water harvesting, agro-forestry and the conservation, as well as exploitation of the improved dryland bio-diversity and genetic resources;*

iii. *Encourage the development and transfer of technology to halt land degradation as well as the accelerated destruction of ecosystem and production systems;*

iv. *Encourage the development and transfer of technology related to food and energy security;*

v. *Encourage the development and use of bio-technology; and*

vi. *Identify, with a view to developing, the use of African expertise and the know-how of the local people, including the social cultural practices in the affected areas.*(Article 41)

91. Adaptation

The Contracting Parties shall:

(a) *Establish measures and mechanisms to facilitate the easier adaptation of non-indigenous technologies; and*

(b) *Provide training to facilitate adaptation of foreign technology at national and sub-regional levels.*(Article 42)

92. Other drafting proposals

(a) *The contracting parties, and the developed countries in particular, undertake to ensure access to and transfer of ecologically sound technology, on a fair, equitable and preferential basis, for the benefit of developing countries experiencing drought and desertification, particularly in Africa.*

(b) *The contracting parties, including the developed countries, shall encourage the private sector, by means of appropriate incentives, to carry out the transfer of ecologically sound technology for the benefit of developing countries experiencing drought and desertification, particularly in Africa.* (Tunisia)

93. Other views

(a) *Transfer and cooperation mechanisms*

In setting up viable mechanisms for technology transfer and cooperation, The Convention should incorporate provisions for:

i. A new institution to facilitate the transfer of technologies needed to combat desertification and mitigate drought;

ii. Special strategies for transfer of, and cooperation on, alternative energy technologies and for the creation of alternative livelihoods;

iii. A strong role for sub-regional organizations in adapting proven methods and techniques;

iv. Availability of satellite imagery, geographical information systems (GIS), historical information and other needed tools for data assessment and follow up, as well as early warning;

v. Facilitation of access to technology through more flexible intellectual property systems; and

vi. Clear recognition that technology transfer and cooperation must be driven by the real needs and circumstances of local land users.

(b) *Protection of genetic resources*

There should be emphasis on in situ methods of conserving genetic diversity since ex situ arrangements do not necessarily provide adequate compensation for the original owners of genetic resources;

(c) *Significance of Agenda 21*

Consistent with Chapter 34 of Agenda 21, transfer of technology should take place through an international information network; efforts to support and promotion of access to technology; improvement of the ability to develop and manage ecologically sustainable techniques; and programmes of cooperation and assistance.

(d) *Transfer of proprietary, non-proprietary, traditional and indigenous technology*

i. Article 4 (5) of the Climate Change Convention provides a model for provisions on proprietary technology. The adaptation and dissemination of non-proprietary technology requires financial, technological and scientific support. Technical presentations at the Nairobi meeting clearly demonstrated the potential effectiveness of appropriate and traditional technologies.

ii. The Convention should encourage the establishment of domestic market conditions that will:

- Promote the development and transfer under standard commercial practices and on a voluntary basis as agreed by the participants of technologies directly applicable to combatting desertification and mitigating the effects of climatic varriation causing drought; and

- Encourage the provision of technical assistance, where such assistance is requested and is tied to specific needs requiring specific technological solutions identified in national and sub-regional action programmes.

iii. The Convention should balance commitments to transfer technology with the need to provide adequate protection of intellectual property rights.

iv. It should also acknowledge that local, and in particular indigenous communities, have in many cases developed sustainable and efficient land use technologies which should be encouraged and disseminated, not supplanted with expensive and often inappropriate modern technology.

v. The Convention should provide specifically for technology transfer between affected countries. Article 18 of the Biodiversity Convention provides a model for this particularly Article 18.4 on indigenous and traditional technologies.

94. Secretariat observations

In this area, the Panel of Experts emphasized three points:

(a) Some of the views in this section implicitly support the concept of food self-sufficiency at the household level. This may be appropriate in many areas but there are cases where opportunities exist to base food security on trade rather than local self-sufficiency.

(b) Transfer of water resource management technology should receive as much attention as the provision of adequate supplies of clean water.

(c) Arguments on the desirability of *in situ* conservation of biological resources should go beyond intellectual property rights considerations. There are strong biological and sustainability arguments for *in situ* conservation being complementary to *ex situ* conservation.

IV. Other areas of commitment

A. Capacity building

95. Converging views

One of the cornerstones of The Convention should be a broad based approach to capacity building in countries experiencing serious desertification and/or drought. This involves development of indigenous scientific capabilities, institution building and training. There should be a strong emphasis, both by affected countries and by the international community, on:

(a) Capacity building at the local level through popular participation;

(b) Adaptation of traditional methods of agriculture to modern socio-economic conditions;

(c) Use of the knowledge and practices of local people, including indigenous people, and respect for their values and cultures;

(d) Full participation by women in programme design and implementation and full account of their needs;

(e) Partnership with NGOs because of their experience and expertise in mounting integrated programmes at the grass-roots level;

(f) Innovative ways of promoting alternative livelihoods, including training in new skills;

(g) Training of decision-makers, managers, and personnel which are responsible for data collection and the use of early warning information;

(h) More effective utilization of existing institutions along with strengthening of strategic planning and management; and

(i) Strengthening of sub-regional institutions in coordinating training and information exchange.

Drafting proposals

96. OAU proposal

(a) *The Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular affected developing countries. In promoting such cooperation, special attention shall be given to the development and strengthening of national capabilities by means of human resource development and institutional building.* (Article 29)

(b) *The Contracting Parties shall establish and maintain programmes for scientific education and training in measures for combatting drought and desertification and provide support for such education and training for the specific needs of the developing countries particularly in Africa.* (Article 35)

(c) *Each Contracting Party shall with its particular conditions and capabilities:*

i. *Identify major capacity building requirements for the proper purpose of sustainable development;*

ii. *Identify existing capabilities and facilities, and the potential for expanding them;*

iii. *Prepare and implement a national programme of action with targets, priorities and specific financial and institutional proposals, which shall reflect the measures set out in this Convention; and*

iv. *Encourage regional and international cooperation in areas beyond national jurisdiction and on matters of mutual interest.* (Article 43)

(d) *The Contracting Parties shall identify and use local expertise and the know-how of local populations including socio-cultural practices.* (Article 44)

(e) *The Contracting Parties shall take all measures to ensure the participation of target populations, particularly women and children.* (Article 45)

97. Other views

(a) The Convention should establish an international training centre, headquartered in Africa, preferably in West Africa, to train scientific and technical personnel from affected developing countries and harmonize training efforts in those countries. "Centres of Excellence" of this type have the added advantage of providing job opportunities for scientists and thus reducing the "brain drain."

(b) If the INCD agreed to establish a network of research centres, they could play a strong capacity building role.

(c) Technical assistance should rely primarily on local experts and institutions with foreign inputs phasing out as quickly as possible.

(d) New institutions for capacity building should generally be avoided. Improvement of the efficiency of existing ones should be explored instead.

B. Education and public awareness

98. Converging views

A priority for The Convention is improvement of measures for public education and awareness in order to mobilize community support and empower local communities for combatting desertification and mitigating drought. To this end, the parties to The Convention should cooperate individually, jointly and through competent international bodies. Training and education on natural resource conservation is an important element of education/awareness programmes as is special attention to the role of women. The international community, including organizations such as UNEP and UNESCO, should support the policies of states affected by desertification, which have the prime responsibility. NGOs should also play a significant role.

Drafting proposals

99. OAU proposal

The Contracting Parties shall:

(a) *Promote and encourage understanding of the importance of measures required for combatting drought and desertification through media propagation, and the inclusion of these topics in educational programmes;*

(b) *Strive to encourage and facilitate awareness campaigns among the public using modern methods;*

(c) *Ensure, on a permanent basis, access by the public to information on drought and desertification;*

(d) *Encourage the establishment of associations that would contribute to the mobilization and awareness of the public;*

(e) *Involve populations directly concerned in projects initiated as part of campaigns against drought and desertification;*

(f) *Promote, at the international level, and, where appropriate, using existing bodies:*

i. *The development and exchange of educational and public awareness material on drought and desertification; and*

ii. *The development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular in developing countries.*

(g) *Develop programmes which would integrate anti-desertification measures into education systems throughout school curricula to create an awareness at an early stage in peoples' lives;*

(h) *Assess education needs in dryland areas and expand educational resources that focus on combatting desertification and the management of drought, as insurance in human resources development;*

(i) *Facilitate and intensify awareness campaigns through the electronic and print media to reach as wide a portion of the public as possible;*

(j) *Encourage and mobilize popular participation through educational interactions with the local people in anti-desertification campaigns, in order to achieve a long-lasting positive appreciation and awareness of dry-land problems; and*

(k) *Strengthen institutional capacity building as a basis for ensuring permanent access to information by the public and generate the capability to solve dryland problems by inhabitants themselves.* (Article 46)

100. Other drafting proposals

(a) *In the area of education and training, the parties agree to establish an international education and training centre for combating drought and desertification, with headquarters in Africa. The functions of this centre shall be:*

(i) *To train scientific, technical and management personnel in developing countries experiencing drought and desertification, particularly in Africa, on the basis of specific training programmes, and*

(ii) *To assist the training institutions of developing countries experiencing drought and desertification, particularly in Africa, in harmonizing programmes and in organizing exchanges of experience.* (Senegal, Mali)

101. Other views

Similar provisions in recent environment conventions provide a good model for this section of The Convention, particularly Article 6 of the Climate Change Convention and Article 13 of the Biodiversity Convention.

C. Financial resources and mechanisms

102. Converging views

(a) *Use of existing resources and mechanisms*

The bulk of financial resources will come from affected countries. For The Convention to be effective, however, maximum use will have to be made of all existing external resources and mechanisms, both bilateral and multilateral, including a reformed Global Environment Facility (GEF). There is considerable room to use existing resources

more effectively and more flexibly. In particular, they need to be redirected to implement a "bottom up" approach to combatting desertification and mitigating drought.

(b) *Financial mechanism for The Convention*

The mandate of the GEF allows it to function as the financial mechanism for newly negotiated environmental conventions. However, the nature of programmes to combat desertification and mitigate drought, which usually involves most aspects of sustainable agriculture, goes against the use of a single financial mechanism such as the GEF. The Convention should rather utilize a "package approach" employing a panoply of financial sources, resources and mechanisms to attack a complex problem. Bilateral assistance, global and regional multilateral assistance, and private flows, particularly from non-governmental organizations, all should play a role.

(c) *Customization of financial statistics*

The parties to The Convention should gain a better understanding of flows of funds to combat desertification and mitigate drought.

103. Diverging views

(a) *Issue: Need for new resources and mechanisms*

i. New and additional financial resources from developed countries, provided on a predictable, sustainable and prompt basis, are necessary to fund programmes stemming from The Convention. Existing financial mechanisms are already strained and are not structured to carry out this function even if they operate more efficiently. The Convention should, therefore, establish a new, independent, democratic, less conditional and transparent financial mechanisms, such as a Fund for Desertification.

ii. There is no demonstrated need for either new and additional financial resources to implement The Convention or for new financial mechanisms. Lack of funding has not been a bottleneck in the past. What is missing is information on the impact of funds, assessment of successes and shortcomings, and removal of bottlenecks. With suitable modifications to use them more effectively, existing resources and mechanisms should suffice. For some years, the budget environment in donor countries will make it difficult to provide substantial new resources but additional resources might be considered if the necessity of them is proven.

iii. It is premature to identify financial mechanisms before the nature of the commitments in The Convention are clear.

(b) *Issue: GEF desertification control programmes*

i. It is unlikely that the parties to the GEF will approve a new desertification control window in the facility. There could, however, be some expansion of financing for anti-desertification projects, as they relate to the four GEF core areas, within the mandate of the restructured GEF. In any case, the role of the GEF in funding desertification initiatives would need to be assessed in the light of ongoing discussion on GEF restructuring and replenishment.

ii. While the restructured GEF can fund some desertification control projects, there are inherent restrictions on what it can do in this area. More flexibility is needed along with the

creation of a separate window for projects to combat desertification.

Drafting proposals

104. OAU proposal

(a) *The sources of funds are statutory contributions; voluntary contributions; grants; donations; loans; joint ventures; private funding and investment incomes. This list is not exhaustive.* (Article 47)

(b) *Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.* (Article 48)

(c) *The developed country Parties shall provide financial markets and institutions and contribute at least 0.7 per cent of their GNP to enable developing country Parties to meet implementation requirements.* (Article 49)

(d) *The developed country Parties should also provide affected developing countries Parties with financial resources related to the implementation of this Convention through bilateral, regional and multilateral channels.* (Article 49)

(e) *The Conference of the Parties shall establish appropriate mechanisms for programming and managing the financial resources available, in accordance with priorities and eligibility criteria, according to the following guidelines:*

i. *The specificity and priority for Africa in conformity with General Assembly resolution 47/188 of 22 December 1992;*

ii. *The universality and globality of the phenomenon;*

iii. *The level of development of countries affected;*

iv. *Respect for the principle of subsidiarity in financing and implementing projects by allocating a percentage of public funds to local and/or non-governmental projects and programmes; and*

v. *Respect for the principle of transparency and accountability in management of the resources.* (Article 50)

(f) *The Contracting Parties commit themselves to use existing national, bilateral and multilateral financing mechanisms and to set up an appropriate new specialized fund in order to enable the implementation of this Convention.* (Article 51)

(g) *Reviews of programming and implementation will take place every three years.* (Article 52)

Other drafting proposals

105. New sources of financial assistance

(a) *With the object of providing, for the benefit of developing countries experiencing drought and desertification, particularly in Africa, new additional financial resources necessary to enable them to fulfil their obligations under the present convention, there shall be established under the auspices of the conference of the parties and*

in accordance with the financial procedures in force in the United Nations, a voluntary fund for combating drought and desertification, particularly in Africa. (Senegal, Tunisia)

(b) *The voluntary fund, which shall be operational by the first regular session of the conference of the parties, shall make possible the financing, in full or in part, of activities provided for under the present convention that are undertaken for the benefit of developing countries experiencing drought and desertification, particularly in Africa.* (Senegal, Mali, Tunisia)

(c) *The Conference of the Parties shall consider a mechanism for providing financial resources on a voluntary basis towards a fund for assisting countries in establishing their national mechanisms for insurance against drought hazards.* (Egypt)

(d) *The Conference of the Parties shall consider means for establishing a mechanism for financing the implementation of national plans of action to combat desertification through an international finance corporation for anti-desertification.* (Egypt)

106. Financing of Convention activities

(a) *In order to have estimates of the financial resources that will be needed, the conference of the parties shall approve, at its first regular session, programme estimates of the financial resources required for a five-year period. One year before the expiry of this period, the conference of the parties shall adopt new programme estimates for a further period of five years. This procedure shall be renewed automatically at the end of each five-year period.* (Tunisia, Senegal)

(b) *The conference of the parties shall adopt, at its first session, practical procedures to govern the activities of the voluntary fund, bearing in mind the need to allocate one half of the available financial resources to African countries experiencing drought and desertification.* (Mali, Senegal, Tunisia)

(c) *The Conference of the Parties shall approve a comprehensive programme and regular budget covering the two international networks for monitoring and for research, the advisory body and the Secretariat. Contracting parties will provide for this regular budget according to agreed assessed contributions.* (Egypt)

107. Other views

(a) INCD discussions of financial resources and mechanisms should be based on more detailed knowledge of existing flows to increase efficiency. The INCD should also consider asking the Secretariat to estimate the resources needed to implement The Convention.

(b) Efforts will be more effective in the framework of an integrated approach involving all sources of funding, bilateral and multilateral. Multilateral institutions should be invited to cooperate more closely and to increase their financial participation, particularly the World Bank, UNEP, UNDP and the United Nations Food and Agricultural Organization (FAO). Significant effort should be devoted to ensuring a consistent approach between national development agencies and multilateral institutions. New methods of coordination between donors, developing countries and NGOs are essential. UNDP could be requested to study this aspect.

(c) Monitoring and assessment activities under The Convention should be carried out through a regular programme which the Conference of Parties approves and finances on the basis of assessed contributions.

(d) A study which the General Assembly earlier commissioned could serve as a basis for designing appropriate financial support for national programmes to combat desertification. (Document A/36/141/Annex)

(e) Implementation of The Convention should allow donors the flexibility to determine where their funds are spent, including the ability to designate bilateral aid contributions as contributions to convention funding arrangements, as is done in the Montreal Protocol.

(f) Articles 20 and 21 of the Biodiversity Convention should be used as a model for financial provisions in The Convention: each party would provide financial support and incentives with respect to national activities; developed countries would provide new and additional resources; and a financial mechanism would be established. Article 11.5 of the Climate Change Convention also is a relevant source of drafting suggestions.

(g) A special fund for combatting desertification could draw on sources such as earmarking of a specific percentage of official development assistance, specific deposits by multilateral agencies, and economic/ecological instruments and taxes.

(h) Discussion of financial resources should await agreement on the other obligations and commitments in The Convention.

(i) Given budget constraints it will be important to emphasize replicability and internal sustainability of anti-desertification projects.

D. Coordination and cooperation

108. Converging views

(a) *Basic approach*

Improved and more efficient coordination and cooperation at all levels, as well as the specification of operational mechanisms to accomplish this, is at the heart of The Convention.

(b) *Coordination of bilateral and multilateral assistance*

It is important for The Convention to promote adequate measures to reduce duplication in assistance programmes for countries affected by serious desertification and/or drought and to harmonize interventions and approaches. This includes more effective coordination at all levels, particularly at the field level.

(c) *South-south cooperation*

Improved coordination and cooperation among developing countries is essential to aspects of combatting desertification and mitigating drought. Exchange of relevant experiences, data and information are also an important element.

(d) *Transboundary water resources*

One aspect of The Convention should be enhancement of mechanisms for addressing transboundary water resource issues in areas such as the Lake Chad Basin and the Aral Sea Basin. Both specialized basin authorities and other sub-regional organizations have important roles to play in this regard.

109. Diverging views

(a) *Issue: Treatment of international economic factors*

i. Cooperation is particularly important to promote an open and supportive international economic system which enhances sustainable development in all parties, particularly developing countries, as well as their ability to combat desertification. There should, therefore, be provisions in The Convention for enhancing international cooperation to minimize the impact on affected countries of adverse factors in the international economy. This should include reducing debt burdens, through rescheduling and debt-for-nature swaps; improving market conditions and commodity prices; lowering trade barriers and cushioning the effects of deteriorating foreign exchange rates.

ii. Factors in the international economy can have a significant impact on affected countries but The Convention is not the proper place to deal with them. There are other competent fora and other means of international cooperation to take full account of them.

110. Drafting proposals

The parties shall work together to develop an effective and open international economic system that will lead to the economic growth and sustainable development of all the parties, in particular the African countries parties, to enable them better to deal with the problems linked with drought and desertification. (Senegal)

111. Other views

(a) NGOs must be particularly active in this field.

(b) Governments concerned should coordinate the activities of their institutes.

(c) Existing mechanisms, both bilateral and multilateral, must be reorganized to make them more flexible and give greater priority to desertification.

(d) Document A/AC.241/7 provides a good basis for future work in this area.

112. Secretariat observations

The sub-sections above contain many references to enhanced coordination and cooperation that were not in a form that allowed their incorporation in this sub-section.

SECTION THREE: INSTITUTIONAL AND PROCEDURAL ARRANGEMENTS

I. Institutions

A. Overall arrangements

113. Converging views

The Convention should create permanent institutions to ensure follow-up and implementation. The practice of recent conventions establishing a Conference of the Parties, a Secretariat and subsidiary bodies provides a useful model. The analysis in document A/AC.241/7 (paragraphs 71-81) is a good basis for drafting articles on institutional arrangements.

114. Other views

Once The Convention enters into force, all countries that are parties should have some financial responsibility for the administrative expenses of The Convention and of its permanent secretariat.

B. Conference of the Parties

115. Converging views

The Conference of Parties should be organized along normal lines as outlined in paragraph 71 of document A/AC.241/7.

Drafting proposals

116. OAU drafting proposal

(a) Conference of the Parties

i. A Conference of the Parties is hereby established.

ii. The Conference of the Parties is the supreme decision-making body within this Convention. The Conference shall keep under regular review the implementation of The Convention and of any related instruments that the Conference of the Parties may adopt. It shall make, within its mandate, the decisions necessary to promote the effective implementation of The Convention. To this end, it shall:

- *Periodically examine the obligations of the Parties and the institutional arrangements under The Convention, in the light of the objective of The Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge, as well as the world operating context;*

- *Promote and facilitate the exchange of information on measures adopted by the Parties to implement The Convention, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under The Convention; and adopt such revisions as necessary for the successful implementation of the objectives of The Convention;*

- *Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies; and*

- *Exercise such other functions as required for the achievement of the objectives of The Convention as well as other functions assigned to it under this Convention.*

iii. The first session of the Conference of the Parties shall be convened by the Ad Hoc Secretariat referred to in Article 13 and shall take place not later than one year after the entry into force of The Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

iv. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at written request, supported by one third (1/3) of the membership of the Conference, within two months of the request being communicated to the Parties by the Secretariat.

v. *The United Nations, its specialized agencies as well as any State member thereof or observers thereto not Party to The Convention, may be admitted by the Conference of the Parties as observers. Anybody or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by The Convention, and which has informed the Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may request to be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the Rules of Procedure adopted by the Conference of the Parties.* (Article 53)

(b) The Bureau of the Conference of Parties

i. *At the opening of its ordinary sessions, the Conference of the Contracting Parties shall elect a Bureau comprising a Chairman, three Vice-Chairmen [9 Vice-Chairmen (Tunisia)] and one Rapporteur, on the basis of equitable geographical distribution on the one hand, and on the other hand with due consideration for the need to ensure adequate representation of countries affected by drought and desertification, particularly in Africa.*

ii. *The Bureau shall meet at least once a year between sessions of the Conference of the Parties to prepare the deliberations of the Conference of the Parties and to suggest appropriate recommendations.* (Article 54)

(c) Communication of information to the Conference of Parties

In accordance with the relevant provisions of Article 4, each of the parties shall, through the Secretariat, submit during each ordinary session of the Conference of the Parties reports on the implementation of The Convention. Such reports shall be considered by the Conference of the Parties which shall express its views on them and make recommendations. (Article 60)

117. Other drafting proposals

(a) *The special sessions of the conference shall be convened in accordance with the provisions of its rules of procedure, which shall be adopted at its first session.* (Senegal, Tunisia)

(b) *The cost of the regular and special sessions of the conference of the parties and of the participation therein of developing countries experiencing drought and desertification, particularly in Africa, shall be borne by the regular budget of the United Nations.* (Senegal, Tunisia)

(c) *The Conference of Parties shall keep under review the implementation of The Convention, and for this purpose shall:*

i. *Receive reports from the contracting parties;*

ii. *Receive reports from the international network for monitoring and assessment;*

iii. *Receive reports from the international network of regional research centres;*

iv. *Consider and adopt the programmes of work and budgets including those of monitoring network and research;*

v. *Consider and adopt protocols and amendments of protocols; and*

vi. *Establish subsidiary bodies, particularly advisory panels.* (Egypt)

118. Other views

(a) It should be clear that the Conference of Parties is the sole decision-making body of The Convention. There should, as document A/AC.241/7 suggests, also be a catch-all clause at the end of the list of its functions, such as that in Article 24.1 (e) of the Biodiversity Convention.

(b) The Convention need not specify the frequency of meetings of the Conference of Parties, rather providing for meetings at regular intervals as decided by the Conference of Parties itself. Article 23.1 of the Biodiversity Convention is a good model of this type of provision. It enables adjustment of meeting schedules without recourse to formal amendment of The Convention.

(c) It would be desirable that states in a position to do so consider offering to host the first Conference of Parties.

(d) The INCD should consider whether there should be separate Conferences of the Parties for regional instruments which might be adopted.

(e) The Conference of the Parties should be enabled to request appropriate international, regional and sub-regional organizations to act in an advisory capacity to it or to any of its subsidiary bodies.

C. Secretariat

119. Converging views

There should be a small Permanent Secretariat which would cooperate closely with the Secretariats of related conventions, and with other UN bodies involved with combatting desertification and mitigating drought. The Convention should list the functions of the Secretariat along the lines suggested in document A/AC.241/7.

Drafting proposals

120. OAU drafting proposal

(a) *A Secretariat is hereby established. The functions of the Secretariat shall be*:

i. *To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under The Convention and to provide them with services as required;*

ii. *To compile and transmit reports submitted to it;*

iii. *To facilitate assistance to the Parties, particularly the affected Parties, on request, in the compilation and communication of information required in accordance with the provisions of The Convention;*

iv. *To prepare reports on its activities and present them to the Conference of the Parties;*

v. *To ensure the necessary coordination with the secretariats of other relevant international bodies and conventions;*

vi. *To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements*

as may be required for the effective discharge of its functions; and

vii. *To perform other Secretariat functions specified in The Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.*

(b) *The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functions.* - (Article 55)

121. Other drafting proposals

A Secretariat is established to:

(a) *Service the meetings of the Conference of Parties;*

(b) *Manage the international network for monitoring and assessments and the international network of regional research centres; and*

(c) *Manage the subsidiary bodies on scientific and technological matters.* (Egypt)

122. Other views

(a) The Secretariat should have some verification responsibilities, particularly to avoid duplication of programme interventions.

(b) It would be inappropriate for the Secretariat to have verification responsibilities, which should be a prerogative of the Conference of Parties.

(c) The Convention should enable the Conference of Parties to designate the Permanent Secretariat at its first meeting. In the interim period, a resolution of the INCD should enable the Secretariat to continue its functions.

D. Subsidiary bodies

Diverging views

123. *Issue: Implementation committee*

(a) It is important that The Convention incorporate strong procedures for reviewing and verifying progress in implementation of national and sub-regional action programmes, as well as other commitments. An enabling clause in The Convention should, therefore, permit the Conference of the Parties to establish an Implementation Committee to undertake functions such as reviewing action programmes, assisting with technical issues, and assessing compliance with obligations governments assume.

(b) The Conference of the Parties itself or its Bureau, expanded if necessary to ensure full representation of all regions, should receive reports from the parties. There is no need for an Implementation Committee. Parties could also exchange through the Secretariat information on national programmes, policies and strategies they develop in accordance with related regional instruments. This could be done at a designated interval after entry into force of The Convention and at designated intervals thereafter.

Drafting proposals

124. OAU drafting proposal

(a) Scientific and Technological Council

i. *A Scientific and Technological Council is hereby established as a subsidiary organ of the Conference of the Parties.*

ii. *The Scientific and Technological Council shall be made up of 20 Members appointed by the Conference of the Parties for a renewable period of three years, on the proposal of the United Nations Secretariat.*

iii. *The Scientific and Technological Council shall, at the request and under the supervision of the Conference of the Parties, provide scientific and technical opinion on all issues that might assist the Conference of the Parties in promoting and pursuing the objectives of The Convention.*

iv. *The Scientific and Technological Council shall submit its activity reports to the Conference of the Parties.* (Article 57)

(b) Evaluation and monitoring centre

i. *A Drought and Desertification Evaluation and Monitoring Centre is hereby established. Its functions shall be:*

- *To support and further develop as appropriate international and intergovernmental programmes and networks aimed at defining, conducting, assessing and financing research, data collection and systematic observation without duplication of effort;*

- *To support the establishment of a network of national sub-regional, regional and international institutions and technical facilities for continuous assessment and monitoring of drought and desertification;*

- *To support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in Africa; and*

- *To support the networks of evaluation, assessment and monitoring of drought and desertification, ensuring the inter-linkages of their activities from the local, national, sub-regional and the international levels.*

ii. *The Drought and Desertification Evaluation and Monitoring Centre shall submit its activity reports to the Conference of the Parties.*

iii. *The Centre shall be located in Africa.* (Article 57)

(c) Other subsidiary organs

The Conference of the Parties can create other subsidiary organs if necessary. (Article 58)

125. Other drafting proposals

An Advisory body on science and technology shall be established under the guidance of the Conference of the Parties, and drawing upon existing competent bodies this body shall:

(a) *Set the programme of action for the international network for monitoring and assessment of land degradation in world drylands;*

(b) *Set the programme of action for the international network of regional centres for research and development;*

(c) *Evaluate for submission to the Conference of the Parties assessments of land degradation in the drylands of the world; and*

(d) *Assist the Secretariat in scientific and technological matters.* (Egypt)

126. Other views

(a) *Overall approach*

i. The Climate Change Convention provides a useful model for establishment of subsidiary bodies for scientific/ technological advice and for implementation. The establishment of a financial mechanism will depend on the outcome of the INCD negotiations.

ii. The Conference of the Parties is in the best position to decide on the establishment of subsidiary bodies. The Convention should authorize the Conference of Parties to establish such subsidiary bodies as it deems necessary for the implementation of The Convention and to decide on their terms of reference, financing and servicing.

(b) *Review and verification*

The Panel of Experts should make proposals regarding the priority of criteria for verification without unduly emphasizing physical and climatic factors at the expense of economic and social variables.

(c) *Scientific/technical bodies*

i. The Conference of Parties should be assisted by a scientific and technical assessment body which might be similar to the International Panel on Climate Change (IPCC).

ii. An independent, neutral scientific body should be constituted under the Conference of Parties to examine and verify progress regarding the implementation and scientific/technical aspects of The Convention.

iii. The existing International Panel of Experts on Desertification could form the basis for the scientific committee.

(d) *Other bodies*

i. The Convention should enable the Conference of Parties to establish, as it deems necessary, working groups to consider relevant issues.

ii. The Conference of Parties should also have the authority to establish a global centre to disseminate results and experiences in the preparation and implementation of national and sub-regional action programmes.

II. Procedures

A. Overall arrangements

127. Converging views

As in the case of institutional arrangements, the practice of recent environmental conventions, along with the analysis in document A/AC.241/7 (paragraphs 82-98), are a good basis for provisions on procedural arrangements.

B. Annexes and protocols

Technical annexes

128. Other views

(a) In addition to related regional instruments, there could be technical, sectoral or thematic annexes which add detail to relevant articles of The Convention. Separate annexes could be drafted, for example, on issues such as research, data collection, and information exchange.

(b) In some cases, such annexes should be attached to regional protocols so as to be very specific. They should also be based on the advice of the International Panel of Experts on Desertification.

(c) Technical matters, including necessary annexes, should be the responsibility of the Conference of Parties. The main working groups of the Conference of the Parties should negotiate annexes not subsidiary bodies.

Incorporation of related regional instruments

129. Converging views

The Convention should incorporate national and sub-regional action programmes through a series of related regional or sub-regional instruments, which could take the form of annexes, implementation protocols or additional protocols. An article in The Convention itself would define the status of the related instruments and their relationship to commitments in it.

Diverging views

130. *Issue: sequence of negotiating related regional instruments*

(a) The INCD should begin negotiating an instrument for Africa early in 1994 and adopt it as an integral part of The Convention in June 1994. This would reflect the priority for Africa in the General Assembly mandate to the Committee. Similar instruments for other regions would follow as quickly as possible. In any case, resource limitations on governments and the Secretariat would make it virtually impossible to negotiate instruments for other regions by June 1994.

(b) The INCD should simultaneously negotiate and adopt all regional/sub-regional instruments, by June 1994 if possible, later if necessary.

(c) The INCD should concentrate through June 1994 on drafting as meaningful a convention as possible. The Convention should be adopted by the INCD before negotiations begin on related instruments. These could be negotiated in the interim period leading to the first meeting of the Conference of Parties and thereafter if necessary.

(d) The Convention could, if necessary, empower the Conference of Parties to negotiate or complete negotiations, and approve by a specified majority, related regional instruments, provided that the negotiations took place within clear parameters.

131. *Issue: adherence to related regional instruments*

(a) There should be a presumption that all parties to The Convention also be parties to related regional instruments. This would be in keeping with the nature of desertification as a global issue of common concern to all countries.

(b) It would defeat the purpose of The Convention if all parties did not adhere to at least one or two regional instruments. Some governments may not wish nor need, however, to adhere to all related regional instruments. To do justice to local circumstances, only parties concerned, including donor countries, should be parties to such instruments. This is an argument for using protocols rather than annexes to incorporate action programmes. With regard to protocols, however, it would be difficult for constitutional reasons for governments to commit themselves in advance to accede to instruments whose exact content is not known.

Drafting proposals

132. OAU drafting proposal

(a) *The Contracting Parties shall cooperate on the formulation and adoption of protocols to this Convention.*

(b) *A Protocol on Africa shall be an integral part of The Convention and adopted simultaneously and together with the said Convention.*

(c) *Protocols on other regions shall also be integral parts of The Convention and adopted at a meeting of the Conference of the Parties.* (Article 63)

133. Other drafting proposals

(a) *The conference of the parties may, at any of its regular sessions, adopt protocols to the convention.*

(b) *The text of any protocol that is proposed shall be communicated to the parties by the secretariat at least six months before the session.*

(c) *The rules governing the entry into force of a protocol shall be laid down in the protocol itself.*

(d) *Only the parties to the convention may be parties to a protocol.*

(e) *Only the parties to a protocol shall take decisions under that protocol.*

(f) *No state nor any regional economic integration organization may become a party to a protocol without being or simultaneously becoming a party to the present convention.* (Tunisia, Senegal)

134. Other views

(a) The Convention should include guidelines for preparation of action programmes, as well as for the case studies used to develop them.

(b) The Convention should include as much substance as possible for all regions, with protocols or annexes including only the differences relevant to each region.

(c) In order to reflect substantial sub-regional differences, there should be related instruments for each sub-region of Africa rather than just one for the continent as a whole. A similar procedure should presumably be considered for other parts of the world.

(d) The regional or sub-regional instruments should contain provisions coordinating and integrating in a long-term programme the participation of UN institutions in their implementation.

(e) Related instruments should elaborate the general obligations in The Convention to be followed in each region or sub-region given local circumstances and The Convention's objectives.

(f) Annexes should be used only for secondary or supportive requirements such as technical requirements or administrative procedures. They should be negotiated by the Conference of Parties.

135. Secretariat observations

(a) *Regional and sub-regional instruments*

With respect to the relationship between The Convention and regional or sub-regional instruments, there would appear to be two broad options:

i. *Instruments forming an integral part of The Convention*

National and sub-regional action programmes could be incorporated in The Convention by means of annexes (or "implementation protocols" as in the Lomé Convention), which would form an integral part of The Convention. However, in order to enter into force and form part of The Convention, annexes (or "implementation protocols") concluded after the formal adoption of The Convention would be subject to adoption by the Conference of parties and subsequent ratification by a given number of parties to The Convention. Once in force, they would be binding on Parties that have ratified them.

ii. *Protocols*

The 1985 Vienna Convention for the Protection of the Ozone Layer, which defines the general objectives and obligations of parties with respect to the protection of the ozone layer, and the 1987 Montreal Protocol on substances that Deplete the Ozone Layer, which establishes specific targets on the reduction of emissions of chlorofluorocarbons, provide a good example of a convention and associated protocol. Protocols, sometimes referred to as "additional protocols", are broadly defined as distinct legal instruments supplementing a convention. Their key features include the following:

- They provide the possibility of creating additional obligations for some or all of the parties to a convention without amending it. The legal status of protocols is similar to that of The Convention: both instruments are legally binding on the Parties.

- Their negotiation could be provided for in the body of The Convention and in a resolution at the time of its adoption;

- Their entry into force would also be subject to adoption by the Conference of the Parties and subsequent ratification by a certain number of states parties to The Convention.

(b) *Technical annexes*

It is common practice to incorporate technical matters in annexes, which form an integral part of The Convention. For illustrative purposes, here are several examples of issues which INCD Members might wish such annexes to address:

i. A list of countries experiencing serious drought and/or desertification, possibly limited to those seeking assistance under The Convention;

ii. A list of donor countries;

iii. Specific agendas on technical subjects such as research or data collection and dissemination; and

iv. Conciliation and arbitration.

C. Amendments

Drafting proposals

136. OAU drafting proposal

(a) *Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that Protocol.*

(b) *Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to this Convention for information.*

(c) *The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third [three-quarter (Tunisia, Senegal)] majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval.*

(d) *Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph (3) above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such a protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.*

(e) *For the purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote.* (Article 64)

(f) *The annexes to this Convention or to any protocol shall form an integral part of The Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to procedural, scientific, technical and administrative matters and financial mechanisms.*

(g) *Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to any protocol:*

i. *Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 64.*

ii. *Any Party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is a Party shall so notify the Depositary, in writing, within one year from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous declaration of objection and the annexes shall thereupon enter into force for that Party subject to sub-paragraph (10) below.*

iii. *On the expiry of one year from the date of the communication of the adoption by the Depositary, the annex shall enter into force for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provisions of sub-paragraph (9) above.*

iv. *The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to The Convention or annexes to any protocol.*

v. *If an additional annex or an amendment to an annex is related to an amendment to this Convention or to any protocol, the additional annex or amendment shall not enter into force until such time as the amendment to The Convention or to the protocol concerned enters into force.* (Article 65)

137. Other views

In line with comments in paragraph 86 of document A/AC.241/7, amendments to The Convention itself should be subject to affirmative acceptance, as should any matter of fundamental character in annexes. A tacit amendment procedure could apply, however, in the case of purely technical or procedural amendments to annexes.

138. Secretariat observations

(a) The principal issue is the majority required for the adoption of amendments to The Convention by the Conference of the Parties, generally a qualified majority (two-thirds as in the Biodiversity Convention or three-fourths as in the Climate Change Convention).

(b) Should it be decided that regional instruments will be included in annexes or "implementation protocols" forming an integral part of The

Convention, the INCD may also want to decide whether their adoption will be subject to the procedure applicable to the adoption of amendments to The Convention or to a different procedure (possibly involving a different majority or a different ratification procedure).

D. Voting procedure

Drafting proposals

139. OAU drafting proposal

(a) *Except as provided for in paragraph 2 below, each Contracting Party to this Convention or to any protocol shall have one vote.*

(b) *Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member states which are Contracting Parties to this Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member states exercise theirs, and vice-versa.* (Article 66)

140. Secretariat observations

The OAU and other drafting proposals provide typical examples of provisions on voting procedures. Questions of voting procedure are normally left to the Conference of Parties but, consistent with a well established practice, The Convention might provide that the Rules of Procedure themselves and rules on financial matters be adopted by consensus.

E. Dispute settlement

141. Diverging views

Issue: nature of dispute settlement

(a) Carefully defined procedures for dispute prevention and settlement are an important element of The Convention. These provisions should follow standard practice as reflected in other conventions, particularly the Climate Change and Biodiversity Conventions and the Montreal Protocol to the Vienna Convention on the Protection of the Ozone Layer, taking due account of the substantive nature of The Convention.

(b) There is no need for elaborate mechanisms for dispute prevention and settlement. Existing international law makes many such mechanisms available, including those existing in international and regional agreements, as well as bilateral channels. Moreover, The Convention will not contain provisions likely to lead to major disputes.

Drafting proposals

142. OAU drafting proposal

In the event of a dispute between two or more of the Parties with respect to the interpretation or implementation of this Convention, the Parties concerned shall strive and undertake to resolve the dispute through negotiations or through any other peaceful means of their choice. (Article 62)

143. Other views

(a) Carefully defined procedures, particularly with respect to disputes over transboundary water resources, are important.

(b) The INCD should consider the issue of dispute settlement once the substance of The Convention is clear. A combination of "friendly" multilateral consultative arrangements with more traditional bilateral procedures could be an option to explore at that time.

144. Secretariat observations

(a) Various possibilities exist, from a short provision in which the Parties undertake to resolve any dispute by peaceful means, as proposed in the OAU text, to a more detailed provision involving third party settlement.

(b) The Biodiversity Convention provides an example of the latter approach, establishing the following sequence of mechanisms: 1) negotiation; 2) mediation (if both parties so agree); 3) arbitration or submission to the International Court of Justice (if the parties have previously accepted such procedures); and 4) conciliation.

(c) The Biodiversity Convention also includes an annex on arbitration and conciliation while the Convention on Climate Change provides that the Conference of Parties shall adopt such an annex.

III. Final clauses

A. Signature

Drafting proposals

145. OAU drafting proposal

The present Convention shall be opened for signature by Member States of the United Nations, or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations during a ceremony which shall be specially organized for this purpose at the UN Headquarters on the occasion of the forty-ninth UN General Assembly. The Convention shall stay open there for signature until 30 November 1995. (Article 67)

146. Other views

(a) The Convention should be signed as soon as possible after adoption in order to allow the ratification process to begin. The best time would be during the 49th General Assembly in the last quarter of 1994.

(b) The Convention, or alternatively related regional instruments, could be signed on the occasion of the 1995 UN anniversary celebrations, preferably at Head-of-State level. This would ensure the highest degree of commitment and the type of public profile given to the signature of the Climate Change and Biodiversity Conventions during UNCED.

147. Secretariat observations

(a) A typical provision, based on the Vienna Convention on the Law of Treaties, follows:

"This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of justice and by regional economic integration organizations at [...., and thereafter at United Nations Headquarters in New York, from ... to ...]"

(b) INCD Members will be required to make a decision, possibly in a resolution, regarding a possible signing ceremony, including its timing and venue, and on the duration of The Convention's opening for signature.

B. Depositary

Drafting proposals

148. OAU drafting proposal

The Secretary-General of the United Nations, in accordance with the provisions of the UN Charter, shall be the Depositary of The Convention and the adopted protocols in accordance with the provisions of articles 63, 64 and 65. (Article 68)

149. Secretariat observations

(a) The following text reflects usual practice for instruments concluded under the auspices of the United Nations:

"The Secretary-General of the United Nations shall be the Depositary of The Convention".

(b) There is no need to list the functions of the Depositary as these are set out in the Vienna Convention on the Law of Treaties.

C. Ratification

Drafting proposals

150. OAU drafting proposal

(a) *The Convention shall be submitted for ratification, acceptance, approval or accession by the States and regional economic integration organizations. It shall be opened for membership as of the day following the date on which it shall cease to be open for signature. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.*

(b) *Any regional economic integration organization that becomes a Party to The Convention without the Member States that constitute it, shall be bound by all the obligations arising from The Convention. When one or more Member States of such an organization are Parties to The Convention, the organization and its Member States shall agree on their respective obligations binding on them as a result of The Convention. In such circumstances, the organization and its Member States shall not be entitled to exercise the rights arising form The Convention concurrently.*

(c) *In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations shall indicate the scope of their competence in matters governed by the provisions of The Convention. Furthermore, these organizations shall in turn inform the Parties on any major amendment to the scope of such competence.*

(d) *A State or a regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.* (Article 69)

151. Other views

It should be stressed that governments concerned and regional integration organizations should make declarations of competence at the time of ratification, not signature.

D. Entry into force

Drafting proposals

152. OAU drafting proposal

(a) *The Convention shall enter into force on the ninetieth day following the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.*

(b) *Regarding those States or regional economic integration organizations that ratify, accept or approve The Convention or accede to it after the fiftieth instrument of ratification, acceptance, approval or accession has been deposited, The Convention shall enter into force on the ninetieth day following the date of deposit by the States or organizations concerned of their instruments of ratification, acceptance, approval or accession.*

(c) *For the purposes of paragraphs 1 and 2 above, the instrument deposited by a regional economic integration organization shall not be counted in addition to those submitted by its member States.* (Article 70)

153. Other views

It is premature to discuss in detail the number of ratifications needed to bring The Convention into force but, given the size of the negotiations, it would likely be in the range of thirty to forty.

154. Secretariat observations

The key issue is the number of ratifications required for The Convention to enter into force. It is desirable that a certain threshold of ratification be met before entry into force to ensure that The Convention can be effectively implemented. On the other hand, the higher the number of ratification required, the longer the delay before entry into force. Both the Conventions on Climate Change and on Biological Diversity require fifty ratifications for entry into force.

E. Interim arrangement

155. Converging views

At its September 1993 session, the Committee should request the General Assembly to extend its mandate from June 1994 until the first meeting of the Conference of Parties and to establish the present ad hoc Secretariat as an Interim Secretariat during the same period. This is necessary to implement on an urgent basis The Convention's strategy for combatting desertification and mitigating drought, and probably to negotiate related regional instruments.

Drafting proposals

156. OAU drafting proposal

(a) *Pending entry into force of The Convention, the ad-hoc Secretariat of the Inter-governmental Negotiating Committee shall continue to perform the duties inherent in its terms of reference.*

(b) *Pending the entry into force of The Convention, the Inter-governmental Negotiating Committee shall perform the duties assigned to the Conference of the Parties and to its Bureau.*

(c) *Pending the establishment of the Scientific and Technological Council, the duties assigned to it in accordance with the provisions of Article 56 of this Convention, shall be performed by the multi-disciplinary team of experts set up under resolution 47/188 of 22 December 1992, adopted by the UN General Assembly.* (Article 71)

157. Other views

If it proves desirable to provide for a prompt start, this would best be done by a resolution outside the text of The Convention. This would ensure that provisions of The Convention do not become obsolete as soon as it is ratified.

158. Secretariat observations

The UN General Assembly is the competent body to decide on an extension of the Secretariat's mandate pending entry into force of The Convention, as well as on other matters relating to a prompt start. Thus, the INCD may wish to make a request to the General Assembly to that effect. From a strictly legal standpoint, there would appear to be no need to introduce provisions on prompt start in The Convention although there are precedents to that effect in other instruments.

F. Reservations

Drafting proposals

159. OAU drafting proposal

No reservations may be made to the present Convention. (Article 72)

160. Secretariat observations

The prohibition of reservations, which has become a standard feature in international conventions, is consistent with the negotiating practice based on consensus whereby the final agreed text is, by necessity, a compromise. To authorize reservations would in effect invite States, at the time of signature or ratification, to "pick and choose" and reject the elements of The convention they do not like. This could undermine the consensual approach to treaty negotiation.

G. Withdrawal

Drafting proposals

161. OAU drafting proposal

(a) *On the expiry of a period of three years as from the date of applicability of The Convention to a Party, the concerned Parties can withdraw by serving notice in writing to the Depositary.*

(b) *Such withdrawals shall take effect after one year as from the date on which the Depositary shall have received such notice or on any subsequent date specified in the said notice.*

(c) *Any Party that withdraws from The Convention shall also be considered to have withdrawn from any protocol to which it is a party.* (Article 73)

162. Other views

(a) Withdrawal should be made possible after a period of three years from the date of entry into force of The Convention for the Party concerned.

(b) The Biodiversity Convention precedent of withdrawal after two years should be followed.

163. Secretariat observations

The delay before a Party may withdraw from The Convention is typically two or three years. Withdrawal is generally effective one year after receipt of a notification of withdrawal.

H. Authentic texts

Drafting proposals

164. OAU drafting proposal

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish versions are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized for this purpose, have signed the present Convention.

DONE at New York on this ... day of .... one thousand nine hundred and ninety-four. (Article 74)

165. Secretariat observations

The above is in keeping with the well established practice for conventions negotiated under the auspices of the United Nations.

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